THE LAW AND PRACTICE RELATING TO CORONERS

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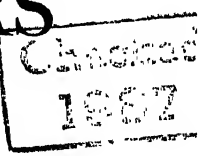
CORONERS



BY

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INTRODUCTION.

THE Coroner's office is ancient and honourable and his Court is a "court of record." The Chief Coroner is the Lord Chief Justice and each Judge of the King's Bench is *ex officio* a coroner. Generally speaking, Coroners are subdivided into

(1) County Coroners,
(2) Borough Coroners,
(3) Franchise Coroners,
(4) King's Coroner and Attorney,
(5) Coroner of King's Household, and
(6) Coroner of the Admiralty.

Every Coroner is required to appoint one or more deputies. Only certain specified persons may be appointed to the office, and the duties of a Coroner are now well defined. While there are no set rules governing the whole procedure in a Coroner's Court, many of the situations which may arise are provided for by statute, while in other cases custom has established procedure which is closely followed.

The established rules of evidence applicable to the High Court or the Criminal Courts do not apply. One of the reasons for this is undoubtedly the fact that there is no suit, and no parties to a suit in a Coroner's Court ; and also that the procedure is more in the nature of an enquiry into the cause and manner of death and not exclusively directed to establish the guilt or innocence of an accused person.

The chief statutes generally affecting Coroners are :

The Coroners Act, 1887,
The Coroners Act, 1892, and
The Coroners (Amendment) Act, 1926.

Other Acts applicable to certain areas include :

The City of London Fire Inquests Act of 1888,
The Yorkshire Coroners Act of 1897, and
The Lincolnshire Coroners Act of 1899.

In addition many other Acts call for consideration, special treatment or procedure, or impose certain duties. Such are:

The Coal Mines Act of 1911,
The Factory and Workshops Acts of 1891 and 1901,
The Infant Life Protection Act, 1897, and
The Births and Deaths Registration Act, 1926.

Indeed, many statutes impose on a Coroner grave and serious duties which call for judicial care and treatment, if the rights of the persons concerned are to be properly safeguarded and preserved.

In the following pages a serious attempt has been made to provide Coroners and their officers, and legal and medical persons called upon to attend inquests, with a guide to the procedure followed, the duties of the Court, and the legal and medical considerations, and questions of fact which arise. This has been rendered all the more necessary by recent legislation.

THE LAW AND PRACTICE RELATING TO CORONERS

CHAPTER I.

THE OFFICE, STATUS, AND DUTIES OF A CORONER

The office of a Coroner is limited in area and in power.

His status is of royal and constitutional origin.

His duties are to hold inquests in the name of the King: (1) upon the body of a dead person, (2) where body destroyed or irrecoverable, (3) upon treasure trove, (4) in London City after an outbreak of fire; and on occasions to act in place of the Sheriff of the County.

STATUS OF A CORONER.

Prior to the Coroners (Amendment) Act, 1926, no special qualifications were necessary on appointment either as Coroner or Deputy Coroner. By section 1 of the said Act no person can be appointed a County Coroner or Borough Coroner, or a deputy or assistant deputy of a County or Borough Coroner unless he is a Barrister, Solicitor, or legally qualified Medical Practitioner of not less than five years' standing in his profession. An exception to this rule is made in the case of a Franchise or a Deputy Coroner of not less than five years' standing at the date of the Act (May 1, 1927). Such persons may be appointed either a County or Borough Coroner. A further disqualification has been imposed by sub-section (2) of section 1, which enacts that a person so long as he is mayor, alderman or councillor of a county or borough, and for six months thereafter, cannot be appointed a Coroner or a Deputy

Coroner by the Council of that county or borough or by a joint committee of which any members are appointed by that Council.

It is no longer necessary that a County Coroner shall hold land in fee in the county (1926 Act, s. 1 (4)).

Appointment of a Coroner. County Councils have the right of appointing County Coroners. A Borough Coroner is appointed by the Council of the borough or city for which he is appointed. The issue of the writ *de coronatore eligendo* in respect of the appointment has been abolished, but the appointing authority must forthwith give notice of the vacancy to the Secretary of State (1926 Act, s. 2 (1)) and the appointment of a successor must be made within three months or such further period of time as the Secretary of State may allow (1926 Act, s. 2).

The usual procedure is for the Local Authority to advertise the vacancy and to receive applications. A committee interviews the candidates and recommends to the Council who appoint. On appointment the new Coroner takes and subscribes the oath of allegiance and acceptance of office, and generally an agreement setting out the terms of the appointment is entered into. Such agreement is confined to financial provisions. A County Coroner as a rule is paid by salary. Though appointed for the county and having jurisdiction in the whole county, he is assigned a district, and if he is required to hold an inquest in another district the fact is recorded in the inquest papers together with the reasons which cause him so to act. A County Coroner should reside in the county for which he is appointed.

Not all boroughs have the power of appointment of a Coroner. County boroughs can appoint, and also those boroughs having a separate quarter sessions and a population of 10,000 at the 1881 census (Municipal Corporations Act, 1882, s. 171). Other boroughs, although now of greater population, have no power of appointment. There is no residential qualification for a Borough Coroner.

King's Coroner and Attorney is appointed by the Lord Chief Justice. By virtue of his office he becomes a Master of the Supreme Court, and jointly with the Master of the Crown Office is custodian of Crown Office records. He issues criminal informations in the King's Bench Division (save only informations *ex officio* issued by the Attorney-General or Solicitor-General) and takes the recognizance

to prosecute. Where proceedings in error are instituted the King's Coroner makes the joinder in error and he issues the certificate of the allowance of writ of error. Other duties include recording judgments on the Crown side, and examination of interrogatories exhibited in contempt cases, with power to allow or to strike out irrelevant matter.

The Coroner of the King's Household is appointed by the Lord Steward of the King's Household. He has exclusive jurisdiction over dead bodies lying within any of the Royal Palaces or within any residence for the time being of the Sovereign, including all places within the curtilage thereof. The declaration of acceptance of office and allegiance is made before the Lord Steward. He must reside in one of the Royal Palaces or at such other place as the Lord Steward allots.

A Coroner of the Admiralty was appointed by Royal patent issued to the Judge of the Admiralty Court prior to 1873, when the office of Judge of the Admiralty Court was abolished, since when no appointment has been made, though the right exists. Under the 1926 Act, s. 4 (4), provision is made for the abolition of the office if the King is pleased to declare in Council his will to relinquish the right.

By declaration of the King in Council (published in the *London Gazette* in July, 1927), the official citation of which is "The Admiralty Coronership (Abolition) Declaration, 1927," the office of Coroner for the jurisdiction of the Admiralty was abolished.

Franchise Coroners are Coroners appointed under or by virtue of charters or commissions and not under the Coroners Acts. In section 42 of the Act of 1887 the term "Franchise Coroner" was defined to include the Coroner of the Queen's Household, the Admiralty Coroner, the Coroner for the Duchy of Lancaster, a Coroner appointed for a town corporation, liberty, lordship, manor, university, or other place, the Coroner for which, at that date, had theretofore been elected otherwise than by the freeholders, and his jurisdiction was limited to the area known as the franchise. The "towns corporate" included the Cities of London and Westminster.

By the 1926 Act the right of appointment of a Franchise Coroner ceases on the next vacancy after the passing of the Act, and the franchise area will merge into the county

of which it forms part (s. 4 (1), (2)). These provisions, however, do not apply to

the King's Coroner or Attorney,
the Coroner of the King's Household,
the Coroner for the City of London, or
the Coroner for the Scilly Isles.

As to the office of Coroner for the Isle of Wight, the power of appointment thereto may be relinquished by the King on a vacancy occurring, and as to that for the Duchy of Lancaster and the liberties thereof the power of appointment may be relinquished at any time by the Lord Chancellor acting on behalf of the King.

In the case of the Isle of Wight the power of appointment after relinquishment will vest in the Isle of Wight County Council. In the case of the Duchy of Lancaster, apparently the district will be added to existing areas with suitable provisions for distribution (1926 Act, ss. 3, 4).

Duration of Appointment. A Coroner holds office during life, subject to the following conditions:

A County or Borough Coroner may resign by giving notice in writing to the Council having power to appoint his successor, but such resignation does not take effect until it has been accepted (1926 Act, s. 2).

A Coroner may be removed from office by the Lord Chancellor or any Court having jurisdiction over Coroners. The grounds are inability or misbehaviour in the discharge of duty. Extortion, corruption, wilful neglect of duty, or misbehaviour in discharge of duty amounts to a misdemeanour, and conviction involves removal and disqualification (1887 Act, s. 8, as amended by 1926 Act).

Misbehaviour includes acting by himself or his partner directly or indirectly in the prosecution or defence of any person for any offence for which such person is charged by an inquisition taken before him as Coroner and whether such person is tried on the Coroner's inquisition or on a bill of indictment found by a grand jury. In such case the Court may in addition to sentence of removal impose a fine up to £50 (1887 Act, s. 10).

Other acts which may involve removal from office include:

(1) delay in holding an inquest and refusal to hold an inquest,

(2) insufficient knowledge, capacity or ability properly to discharge the duties,
(3) disability from age or illness,
(4) election or appointment to some other office which clashes with his duties,
(5) absence through imprisonment and other causes,
(6) returning a verdict different from that of the jury,
(7) refusing or failing to require additional medical evidence or a post-mortem examination by a medical practitioner named by the jury after request made by the jury, in cases where the jury are of opinion that the cause of death has not been satisfactorily explained.

It would appear that if a Coroner sought election as a member of the Local Authority invested with the power of his appointment, and was elected, his election would be invalid, but would not disqualify him from exercising his office as Coroner. Appointment of a Coroner as a Justice of the Peace is not disqualification.

All County and Borough Coroners appointed after the Act of 1926, and also Coroners appointed previously to whom the provisions of section 6 of that Act apply, may be called upon by the Local Authority to vacate office. If he shall have served for fifteen years and attained the age of sixty-five years the Local Authority may require a County or Borough Coroner to vacate his office, but in such case pension provisions arise.

Offences not involving Removal from Office. Certain acts involve punishment by fine but not removal or disqualification. For example:

Failure to make delivery of the inquisition and depositions to the Clerk of Assize in cases of murder, manslaughter, or infanticide;

non-delivery of copies of inquisition and depositions to person charged with murder, manslaughter, or infanticide.

The amount of the fine is in the discretion of the Court, with a maximum of £50.

Deputy Coroners and Assistant Deputy Coroners. Deputy Coroners must be appointed by all County and Borough Coroners (Coroners Act, 1892). This duty is now imposed on the Coroner of the King's Household (1926 Act, s. 10). A County and Borough Coroner may also appoint an Assistant Deputy Coroner (1926 Act, s. 11). The appointment is made in writing. In the county the appointment is

made with the approval of the County Council, in a borough with the approval of the Chairman or Mayor, and in the case of the King's Household with the approval of the Lord Steward of the King's Household.

The person appointed as Deputy or Assistant Deputy must have the qualifications set out in section 1 of the 1926 Act. The instrument of appointment is held by the person appointed, and a duplicate must be lodged with the Local Authority or with the Lord Steward. The appointment may be revoked at any time by the Coroner who made the appointment.

The Deputy or Assistant Deputy acts for the Coroner during illness or absence for any lawful or reasonable cause or in cases where the Coroner is disqualified. He has the same jurisdiction and powers and is subject to the same obligations, liabilities and disqualifications as the Coroner and the statutory provisions for the time being in force. If the office of Coroner becomes vacant by death, resignation or removal, the Deputy continues in office until a new Deputy is appointed, and during the vacancy is entitled to the like remuneration paid to the vacating Coroner (1892 Act, s. 1 (4)). The Assistant Deputy during a vacancy takes the place of the Deputy (1926 Act, s. 10). In boroughs it is no longer required that a Justice of the Peace shall issue a certificate in cases where it is necessary for any reason for the Deputy Coroner to act for the Borough Coroner (1926 Act, s. 9).

Territorial Jurisdiction of a Coroner. A County Coroner is appointed for the whole county, but if the county is subdivided into districts a district is assigned to him by the Local Authority, and his jurisdiction lies within that district except in certain cases. By section 7 of the 1887 Act it is provided that the Coroner only within whose jurisdiction the body of a person upon whose death an inquest ought to be held shall hold the inquest. A County Coroner or his Deputy may at the request of the Coroner for another district in the same county hold an inquest in the district of that other Coroner, but in the inquisition he shall certify the cause for doing so.

A Borough Coroner and his Deputy can only hold inquests within the boundaries for the time being of the borough for which he is appointed.

The Coroner of the King's Household exercises his

office within the Royal residences or places where the King may be lodging and the curtilages thereof.

Franchise Coroners act within the confines of the franchise, but the intention of the 1926 Act is to abolish Franchise Coroners.

The Coroner's Officer. The Coroner's Officer is usually a constable detailed by the Police Authority to act. His duty is to report the death, and the surrounding circumstances, to the Coroner, to recover the body and if necessary remove it to the mortuary. The information of the Coroner is issued to him by name, and under it he may in necessary cases summon the jury and witnesses, take statements from persons capable of giving information, warn all persons to attend the inquest, open and close the Court, and if so requested by the Coroner, swear the witnesses. A capable and efficient officer, intelligent and not too officious, is of great assistance to the Court and to relatives in times of great distress.

THE DUTIES OF A CORONER.

Inquest on Body of a Dead Person. Where a dead body of a person lies in the jurisdiction of a Coroner in circumstances suggesting that such person died an unnatural death due to violence or other known or unknown causes, or suddenly, or from cause unknown, or in such circumstance or place that an inquest is by statute necessary, it is the duty of a Coroner to hold an inquest to enquire "when, how and by what means" the deceased person came to his death. In every case save as hereafter mentioned the dead body must be "viewed" by the Coroner (*The King* v. *Haslewood; Ex parte Margerison*, [1926] 2 K. B. 468). The jury may not necessarily have a view. The presence of the dead body within the jurisdiction gives the Coroner the right and imposes the duty of holding an inquest. The place of death is not material.

Where a Body Destroyed or Irrecoverable. This is a new power created by section 18 of the Act of 1926, and is only to be exercised after report to and upon the direction of the Secretary of State.

Inquest on Treasure Trove. Treasure trove is defined as

> "gold or silver, in coin, plate, or bullion, found concealed in
> "a house or other place, the owner being unknown."

The Coroner's duty is to enquire what treasure is found, who is the finder, who is suspected of possessing it, and who is the owner. If the true owner is not known the treasure belongs to the King, or his grantee under the franchise of treasure trove. There must have been concealment by the owner. Treasure merely abandoned or lost is not treasure trove, and in the absence of the true owner belongs to the first finder (subject to Larceny Act). When the question of treasure trove has been affirmatively decided the Coroner has no right to decide the question of title as between the King and other claimants; the royal title can only be displaced by separate proceedings. Concealment of treasure trove is a common-law misdemeanour.

Inquest after Fires. By the City of London Fire Inquests Act, 1888, it is the duty of a Coroner to consider any report showing loss or injury by fire within the City of London and the liberties thereof situate in the County of Middlesex and to hold an inquest if the Lord Mayor for the time being, or the Lord Chief Justice of England, or one of His Majesty's Principal Secretaries of State so orders, or if he, the Coroner, is of opinion that proper cause for enquiry exists. The report to the Coroner is made by the Commissioner of City Police or the Chief Officer of the Metropolitan Fire Brigade.

Powers of entry and to view the *locus in quo* are given, as also all necessary powers of compelling the attendance of witnesses.

The object of the inquest is to ascertain the cause of the fire and to examine into the conduct of persons concerned; and the jury may return a verdict of arson. If the person named in the verdict was present at the inquest the verdict and inquisition have the force and effect of an indictment. If he was not so present, then he may be brought before the Justices for the City as an accused person to answer the charge.

Coroner acting for Sheriff. County Coroners may be called upon to act ministerially in the place of the Sheriff of the County or where the office of Sheriff is vacant. The necessity arises where proper exception is justly taken to the Sheriff acting in his official capacity in any matter in which he is interested or may be biassed. In such case the Coroner is *locum tenens vicecomitis* and process is issued out to the Coroner for execution of writs and other judicial

process, the Coroner being, for the time being, invested with all the powers of the Shrievalty.

When occasions arise for Coroners to act as Sheriff all writs are directed to the Coroners of the County. A single Coroner cannot act, but two may, although the County Coroners are more than two in number. The acting Coroners act in the names of all the Coroners for the County. Coroners performing the office of Sheriff are entitled to all the fees usually payable to the Sheriff and equally liable for penalties for negligence or misfeasance in carrying out the duties. For a more detailed exposition of the subject the reader is referred to Halsbury's Laws of England, vol. viii. p. 248.

Under section 39 of the Lands Clauses Consolidation Act, 1845, provision is made for a County Coroner to act in lieu of the Sheriff in respect of assessment of compensation by a jury for lands compulsorily purchased or taken under the Act, in any case where the Sheriff is an interested party.

CHAPTER II.

CASES OF DEATHS TO BE REPORTED AND CONSIDERED.

All deaths which have taken place in which some or one of the following circumstances are present or suspected should be reported:

1. Violence, including homicide, suicide, manslaughter, infanticide, casualty by fall, collision, drowning, misadventure, sudden death, and in circumstances not specially provided for under any Statute.
2. Required by Statute to be reported to the Coroner.

The deaths required by Statute to be reported to the Coroner are:

1. Where there is reasonable cause to suspect either a violent or an unnatural death, or the cause of death is unknown, or death has taken place in prison, or in such place or under such circumstances as to require an inquest in pursuance of any Act (Coroners Act, 1887, s. 3).
2. Deaths resulting from accidents in factories and workshops, including docks, wharves, quays, warehouses, laundries, buildings in construction, buildings in which more than twenty persons other than domestic servants are employed (Factory and Workshops Act, 1901).
3. Deaths from boiler explosions (Boiler Explosions Acts, 1852 and 1890).
4. Deaths resulting from accident, etc., in quarries (Quarries Act, 1894).
5. Deaths of prisoners in prison (Prison Act, 1865, and Capital Punishment (Amendment) Act, 1868).
6. Death in lunatic asylum or licensed lunacy house (Lunacy Act, 1890, and Rules of Commissioners in Lunacy, dated June 26, 1895).
7. Death of inebriate detained in a retreat (Habitual Drunkards Act, 1879, and Inebriates Acts, 1888 and 1898).

8. Death of an infant while in the care of a person for reward, and under the age of seven years.
9. Death on a railway (Railway Regulations Act, 1873).
10. Deaths in or about a coal mine resulting from an explosion or accident (Coal Mines Act, 1911).
11. Deaths in or about a metalliferous mine resulting from explosion or accident (Metalliferous Mines Regulation Act, 1872).
12. Stillborns, and the death of any person in the circumstances set out in the Statutory Rules and Orders, 1927 (No. 485), made under the Births and Deaths Act, 1926. These are:

    (*a*) The death of any person who was not attended during last illness by a registered medical practitioner, or in respect of whose death he has been unable to obtain delivery of a duly completed medical certificate in the prescribed form;

    (*b*) Any death which the registrar has reason to believe to have been unnatural or directly or indirectly caused by any sort of accident, violence or neglect, or to have been attended by suspicious circumstances, or the cause of which appears to be unknown;

    (*c*) Any death which appears to the registrar from the contents of the medical certificate to have been due to any of the following causes: abortion, anthrax, compressed air disease, glanders, industrial disease of the lungs, poisoning (including alcoholic, aniline, arsenical, benzine, blood, carbon bisulphide, carbon monoxide, food, lead, mercurial, morphine or other drug habit, phosphorus, tetrachlorethane, and trinitrotoluene poisoning);

    (*d*) Any death occurring after an operation necessitated by injury, or occurring under an operation or before recovery from the effects of an anæsthetic.

    (*e*) Any death with respect to which it appears to the registrar from the particulars contained in the medical certificate or otherwise that the deceased was seen neither after death nor within fourteen days before death.

    (*f*) Any alleged stillbirth with respect to which the registrar has reason to believe that the child was born alive.

The Registrar must make the report in writing, and in respect of any death where he believes it is the duty of

some other person to report the same to the Coroner, the Registrar must satisfy himself that such report has been made. The Coroner's report to the Registrar that he does not intend to hold an inquest should be in writing.

The Jury. The jury must not be less than 7 nor more than 11 in number (1926 Act, s. 30). Both male and female persons are liable to serve. The jurors must be "good and true" and resident in the county or borough. In the case of an inquest held by the King's Coroner the jury is taken from officers of the Royal Household.

In certain inquests particular persons are disqualified from serving as jurors. Other persons are exempt.

Exempted persons include: Peers, Members of Parliament, His Majesty's Judges, Coroners and their Deputies, Law Officers, Members of the London County Council and Borough Councils, Magistrates, Barristers, Solicitors and their managing clerks, Ministers of Religion, Registered Medical Practitioners, Officers of the Army and Navy in receipt of full pay, Sailors, Soldiers of the Regular Service and members of the Air Force, Dentists, Pharmaceutical Chemists, Postmen, Police Officers, Civil Servants, Pilots, Officers and others specially exempt under particular Acts.

Disqualification arises in the following cases. On the death of a prisoner in prison no prison officer, or prisoner, or person engaged in trade or dealings with the prison is eligible (Act of 1887, s. 3). Under the Coal Mines Regulation Act, 1887, s. 48, no person having a personal interest in or employed in or in the management of the mine in which the explosion or accident occurred is qualified. And of course care should be taken to see that persons having an interest in the inquest proceedings should not be sworn.

In certain cases a Coroner may sit without a jury, at his discretion. In other cases a jury is compulsory. Under section 3 of the 1887 Act a jury had to be sworn on each inquest. This section must now be read with section 13 of the 1926 Act. The present position is that if it appears to the Coroner before opening or while conducting an inquest without a jury that there is reason to suspect

(*a*) that the deceased came by his death by murder, manslaughter, or infanticide; or

(*b*) that the death occurred in prison or in such place or circumstances as to require an inquest under any Act other than the Coroners Act, 1887; or

(*c*) that the death was caused by an accident, poisoning or disease notice of which is required to be given to a Government Department, or to any inspector or other officer of a Government Department, under or in pursuance of any Act; or

(*d*) that the death was caused by an accident arising out of the use of a vehicle in a street or public highway; or

(*e*) that the death occurred in circumstances the continuance or possible recurrence of which is prejudicial to the health or safety of the public or any section of the public;

the Coroner must summon a jury under the provisions of the Act of 1887.

In other cases the Coroner has a discretion, section 13 providing that if it appears either before or in the course of an inquest begun without a jury that there is reason for summoning a jury, he may proceed to summon a jury in accordance with the provisions of the Act of 1887.

Section 13 makes valid all things done by the Coroner alone as if done in the presence of a jury.

In considering the question of summoning a jury a Coroner should specially bear in mind clauses (*a*), (*b*), (*c*), and (*d*), as a failure in procedure would vitiate the proceedings.

Viewing the Body. Prior to the 1926 Act it was compulsory upon the Coroner and jury to view the body after the inquest had been opened. The strictness of this rule has been modified by section 14 of the Act. The Coroner may now view the body before or after he opens the inquest, and the jury are only required to "view" if the Coroner so directs or a majority of the jury so desire. After view the Coroner may issue the order for burial, and before opening the inquest, but in doing so he will necessarily exercise the greatest caution, having regard to the circumstances surrounding the death, the probable cause of death, and other matters calling for care and discretion. The issue of the burial order may be regulated from time to time by rules made under the 1926 Act.

Enquiry without an Inquest. The report of the Coroner's Officer may show

(1) that an inquest must be held,

(2) that an inquest is desirable,

(3) that the cause of death is "natural causes" and no inquest is necessary, or

(4) that the cause of death is not known and that an inquest may be avoided.

Cases (1) and (2) will be dealt with later.

In case (3) where the cause of death is known and obviously "natural causes" even though sudden, the Coroner will mark his report "Not taken," authorise his Officer to inform the relatives that there will be no inquest, inform the doctor concerned in the case that he may issue a certificate of death in the usual way, and also notify the Registrar of Deaths on the "pink" form that he has caused enquiry to be made and that an inquest is not necessary. The appropriate entry will then be made in the daily journal and the papers filed away.

In case (4) it would have been necessary prior to the 1926 Act to hold an inquest and order a post-mortem examination to be made. By section 21 of the 1926 Act an inquest may be avoided in certain specified cases. If the Coroner is of opinion that a post-mortem examination may prove an inquest unnecessary in the case of a sudden death he may direct any legally qualified medical practitioner whom he would be entitled to summon as a witness under section 21 of the 1887 Act, or any other medical practitioner legally qualified, to make a post-mortem examination and to report the result in writing. The section gives the Coroner and the doctor concerned the same immunities, powers and authority as if an inquest had been directed. It is desirable to supply the doctor with a written order, and a specimen of such order is inserted in the Appendix. This order form should be filled in, dated and signed by the doctor and returned to the Coroner. It is upon such report that the Coroner decides whether he will hold an inquest. If there is reasonable cause to suspect that the deceased died either a violent or unnatural death, or has died in prison, or in such place or in such circumstances as to necessitate the holding of an inquest in accordance with the requirements of any Act other than the Act of 1887, then an inquest must be held (section 21 (3)). Where the Coroner decides not to hold an inquest he will direct his officer to inform the relatives of his decision, notify in writing the doctor concerned, pay his fee for the post-mortem and issue his certificate to the Registrar, taking care to give the Registrar the following particulars of the deceased

person: full name, age, if married or single, if single the name of the deceased's father, occupation, and date of death. The papers relating to the case should be marked "Not taken" and an appropriate entry made in the daily journal showing the fees paid. The doctor must give a receipt on the usual expenses sheet for submission to and repayment by the Local Authority.

Post-Mortem Examinations. A post-mortem may be ordered for the purpose of enquiry only as mentioned above, or may be for inquest purposes. Sufficient has been said of the former. The provisions relating to post-mortem examinations for purposes of an inquest have been modified and extended and are to be found in section 21 of the 1887 Act and section 22 of the 1926 Act. The joint result and present position is that after the Coroner has decided to hold an inquest he may request any legally qualified medical practitioner to make

(*a*) a post-mortem examination of the deceased; or
(*b*) a special examination by way of analysis, test or otherwise of such parts or contents of the body or such other substances and things as ought in the opinion of the Coroner to be submitted to analysis, tests or other special examination with a view to ascertaining how the deceased came by his death;

or to make both such examinations, or may request any person whom he considers to possess special qualifications for conducting such a special examination, to make the special examination.

If only an ordinary post-mortem is required, then it is usual for the doctor in the case to be directed to act. Should, however, difficulties be anticipated and serious issues be involved it is desirable that the Home Office be consulted with a view to obtaining the services of an acknowledged specialist in the particular branch of surgery, medicine, pathology, or toxicology likely to be implicated. If an analysis or special tests are required either of the bodily organs or contents or of other things material to the issues involved the Home Office expert will naturally be consulted, the Coroner first obtaining the approval of the Local Authority to the expenditure.

Certain cases may arise where relatives are dissatisfied with the treatment of the deceased by the doctor prior to death and it may be alleged that such treatment contributed

to death in whole or part. Section 22 (4) of the 1926 Act deals with this point and provides that if a person on oath before the Coroner states that in his belief the death of the deceased was caused partly or entirely by improper or negligent treatment, the medical practitioner or other person against whom the allegation is made shall not be allowed to perform or assist at any post-mortem or special examination made for the purposes of the inquest. Such allegations may be well or ill founded. If made it would appear advisable to have them reduced into writing so that the deponent may not afterwards make denial. The medical practitioner has the right, if he so desires, of being represented at the post-mortem. The Act is silent as to whether the Coroner should inform the doctor objected to of the allegation made, but the section clearly contemplates this by providing the right of being represented at the post-mortem. If this is so, then it would follow that the nature of the allegation should be disclosed.

Ordinarily the fee to be paid for a post-mortem will be £2 2*s*. This includes the report where no inquest is taken. If the doctor is also required to give evidence the fee for the post-mortem and attending to give evidence will be £3 3*s*., with an addition of £1 11*s*. 6*d*. for every additional day on which he is required to attend the inquest. The fee for attending to give evidence without a previous post-mortem is £1 11*s*. 6*d*. for each day.

Where a specialist is employed his fee will be settled by arrangement.

No fee will be paid in respect of a post-mortem made without the previous direction or request of the Coroner.

It is advisable in every case to issue a sealed witness summons to the doctor setting out exactly what is required of him.

The person who has made a post-mortem or special examination when giving evidence at the inquest may be asked to give evidence as to his opinion upon any matter arising out of the examination and as to how, in his opinion, the deceased came to his death (section 22 (2) of 1926 Act).

Removal of the Body for Post-Mortem Examination. A body may be moved by direction or request of the Coroner for the purposes of a post-mortem examination. The place to which it is removed may be either in the Coroner's district or within an adjoining Coroner's district. If the removal

is to a place other than a place provided by a sanitary or nuisance authority the consent of the person or authority by whom the place is provided must be obtained.

The removal of the body to a place outside the Coroner's district does not involve loss of jurisdiction by the Coroner making the order, and he may order its removal back into his own district, and even while the body is outside his territorial jurisdiction his powers and duties in relation to the body are not affected, nor are any rights, powers, or duties in relation to the body imposed upon or vested in any other Coroner. The expenses of removal are deemed to be part of the expenses incurred in the course of duty (1926 Act, s. 24).

Apart from the statutory provisions of the 1926 Act, removal of the body to a mortuary or other suitable place for the purposes of a post-mortem examination is highly desirable from every point of view, and a Coroner should have no hesitation in taking this course.

CHAPTER III.

THE INQUEST.

The necessity for an inquest having arisen the Coroner will consider whether the case is one in which notice thereof must first be given to a Government Department or an inspector. Such notices must be given in cases of death in a factory through accident, death from fall or accident when working on bridges over thirty feet high, death when working in tunnels where scaffolding is used, deaths in coal and other mines and quarries from accident or explosion. If such notice has been duly given the inquest may as a rule proceed even though the inspector is not present.

If, however, more than one death has been occasioned the Coroner should adjourn the inquest and give notice to the inspector of the time and place of the adjournment. For detailed requirements as to adjournment in such cases and notices required the reader is referred to

The Factory and Workshops Act, 1901, s. 21;
The Coal Mines Act, 1911, s. 6, and Coal Mines Regulations of 1887;
Quarries Act, 1894;
The Metalliferous Mines Regulation Act, 1872; and
The Boiler Explosions Acts, 1882 to 1890.

The practical course is to keep a list of inspectors for the district and to communicate with them at once by telegram or telephone.

All necessary preliminary acts having been done, including the warning of all necessary witnesses, the inquest will be opened at the time and place named in the warrant issued to the Officer. The Court will be opened by proclamation made by the Coroner's Officer in the form given in the Appendix.

Swearing the Jury. The jury will then be sworn and charged. They may be sworn singly or in gross. It is a

convenient method to ask the jury to choose their foreman and to swear him first in the following manner :

> " Ye shall well and truly try and true presentment make of
> " all such matters and things as are given you in charge on
> " behalf of our Sovereign Lord the King touching the death
> " of A. B. now lying dead, of whose body I have had the
> " view [or, of whose body you may have view] and shall
> " without fear or favour affection or ill will a true verdict
> " give according to the evidence and the best of your skill
> " and knowledge. So help you God."

The foreman will then kiss the book and sit down. The rest of the jury will then stand up, holding the book in the right hand, and will be sworn in the following words :

> " The same oath that your foreman hath taken on his part,
> " you and each of you are severally to keep and observe
> " on your part, so help you God."

Each of the jury will kiss the book.

As to the book used, Christians will use the New Testament, and Jews the Pentateuch. Atheists and others objecting to be sworn may affirm as follows :

> I A. B. do solemnly and sincerely and truly declare and affirm that the taking of any oath is contrary to my religious belief, and I do also solemnly sincerely and truly affirm and declare that I will diligently enquire, etc.

A Roman Catholic may object to be sworn on the English New Testament. In such case he may affirm. Scotsmen may take the oath with uplifted right hand.

The Coroner should check off the jury as their names are called.

If it is necessary or desirable for the jury to view the body they will do this in custody of the Coroner's Officer, and on their return into Court they should be checked again, their names being called over and answer made by each juror.

Viewing the Body. Having regard to the provisions of the 1926 Act it will not be necessary for the jury to view the body unless such view is likely to assist them in understanding the evidence and help them in arriving at a proper verdict. Where a view is desirable the nature of the injuries

should be pointed out to them, together with any marks such as blackening caused by firearms, the colour of the face in monoxide-gas poisoning, etc.

Witnesses and their Evidence. The most convenient course is to take evidence of identification first, then as to facts, and conclude with the medical evidence.

Witnesses may be sworn in the old form as follows:

> The evidence you shall give on this enquiry on behalf of our Sovereign Lord the King touching the death of A. B. shall be the truth, the whole truth and nothing but the truth. So help you God.

While taking this oath the witness will hold the Testament in the right hand, without gloves, and at the conclusion of the oath, kiss the book.

If the witness is a Jew he will use the Old Testament, a Mohamedan will use the Koran.

Instead of the old form of oath the form provided by the Oaths Act, 1909, may be used as follows:

> I swear by Almighty God that the evidence I shall give to the Court shall be the truth, the whole truth and nothing but the truth.

While taking this oath the witness will hold the book in the right hand, ungloved, above the shoulder.

The Scotch form of oath is as follows:

> I swear by Almighty God, as I shall answer to God at the Great Day of Judgment, that I will speak the truth, the whole truth and nothing but the truth.

When taking this oath the witness will uplift his right hand.

If the witness objects to an oath on the ground of his religious beliefs or that he has no religious beliefs he will affirm as follows:

> I A. B. do solemnly and sincerely and truly declare and affirm that the evidence I shall give to the Court shall be the truth and nothing but the truth.

Where an interpreter is employed he is to be sworn as follows:

> I swear by Almighty God that I will well and truly interpret and explanation make to the Court

and the witness of all such matters and things as shall be required of me to the best of my skill and understanding.

Form of witness summons is given in the Appendix.

Taking the Evidence. The depositions will be taken down in writing either by the Coroner or his Clerk.

The heading or caption to the depositions will be in the following example :

TO WIT. {Information of witnesses severally taken and acknowledged on behalf of our Sovereign Lord the King touching the death of A. B. at ..... in the parish of ..... on ..... the ..... day of ..... 19.. before C. D. one of His Majesty's Coroners for ..... on view of the body of the said person then and there lying dead.

John Jones (sworn) saith : I live, etc.

The depositions are read over to the witness by the Coroner.

Each page of the depositions should be signed by the witness and also by the Coroner. An illiterate witness will make his mark, which will be witnessed by the Coroner or his Officer. At the conclusion of the inquest the depositions should be fastened up in the order in which taken, with the warrant in front and the inquisition at the back.

Where a verdict of murder, accessory before the fact to murder, manslaughter or infanticide has been returned the depositions, inquisition, and recognizances are to be delivered by the Coroner to the Clerk of the Court in which the trial is to take place before or at the opening of the Court (1887 Act, s. 5 (3)), together with a certificate in the following form :

REX *v.* .....

" I the undersigned Coroner for our Lord the King for " the County (or as the case may be) of ..... " do hereby certify that the annexed inquisition, depositions " and recognizances were taken before me on an inquest " held before me at .....on the..... day of..... " 19..., on the body of .....

..... *Coroner.*"

By circular dated December 29, 1886, Coroners are requested to send the depositions to the Clerk of Assize

at the earliest possible time after the conclusion of the inquest and committal of the prisoner. By circulars of September 8, 1884, and March 11, 1902, the Home Office ask that Coroners will in all cases of murder send a copy of the depositions to the Director of Public Prosecutions with or without any remarks the Coroner may think fit to offer. In cases of manslaughter they are not to be sent except after request made, nor need they be sent in murder cases where the accused is dead or the verdict is against some person unknown.

A person charged by inquisition with murder or manslaughter or infanticide is entitled to a copy of the depositions.

The fees payable as set out in the Statutory Rules and Orders, 1927 (No. 348), for copies of the depositions and inquisition are as follows:

> For person charged, 1½*d.* per folio of 90 words;
> for prosecution on trial, 6*d.* per folio of 90 words;
> for copies of other documents, 6*d.* per folio of 72 words.

Depositions must be written on paper.

With the depositions must be sent a complete list of all exhibits which have been used at the inquest, signed by the Coroner. The exhibits should be numbered. All references to the exhibits in the depositions should be by number, and this number must be set opposite to the description of each exhibit in the list. The list must be in the form included in the Criminal Appeal Act of 1907 and is as follows:

REX *v.* .....

List of Exhibits.

Name or other Identifying Mark on Exhibit	Short Description of Exhibit	Produced by	Directions of the Coroner of the Court of Inquest with Name and Address of Person retaining Exhibit

Each exhibit should be marked with the name of the deceased person and signed by the Coroner.

The exhibits should be sent with the depositions to the Clerk of Assize.

By circular dated July 6, 1914 (No. 250,548/13), the Home Office drew attention to, and condemned, the practice of reading over to a witness a statement previously taken by the police, asking the witness to assent or dissent, making the necessary alterations, and then getting the witness to sign the document as his deposition. Such a course is most irregular, and the Secretary of State gave the opinion that objection could be taken with success to the use in a Court of trial of depositions taken in this manner.

Evidence: How Taken. Evidence should be taken in the first person, the witnesses to identification first, then as to fact in chronological order, and conclude with the medical evidence. The evidence in chief should be elicited by the Coroner, afterwards the jury should be invited to put any question through the Coroner to the witness, and then the witness should be subject to examination and cross-examination by those persons present on behalf of interested parties. The depositions should show when answers are made in response to persons other than the Coroner. If any of the persons interested wish to put forward witnesses it is desirable to allow the person presenting the witness to examine him in chief, the Coroner eliciting such further information as he deems necessary.

Summing up. At the conclusion of the evidence the Coroner will address the jury, bringing out the salient features of the evidence, laying proper stress on important facts and the deductions which may be safely drawn therefrom; and in cases of murder, manslaughter, infanticide or suicide draw the jury's attention to the relevant legal considerations which must be considered and proved before a verdict can be returned.

The Verdict. If the jury desire to retire to consider their verdict they may do so, but they should be placed in charge of the Coroner's Officer, who will be sworn to have them in charge as follows:

> You shall well and truly keep the jury upon this enquiry; you shall not suffer any person to speak to them, nor shall you speak to them yourself until they have agreed, unless it be to ask them if they have agreed upon their verdict. So help you God.

While considering their verdict the jury should consider the documents only, not their private notes. If they desire further information or guidance from the Coroner they will return into Court for that purpose.

If the jury fail to agree on a verdict, and the minority consists of not more than two, the Coroner may accept the verdict of the majority, and the majority shall, in that case, certify the verdict in accordance with the requirements of sub-section 3 of section 4 of the 1887 Act (s. 15 of 1926 Act).

In any other case of disagreement (i.e. if the minority is more than two, or total inability to arrive at a verdict) the Coroner may discharge the jury and issue a warrant for summoning another jury, and thereupon the inquest shall proceed in all respects as if the proceedings which terminated in a disagreement had not taken place, except that it shall not be obligatory on the Coroner to view the body (1926 Act, s. 15 (2)). Having regard to this provision it will no longer be necessary for a Coroner to adjourn an inquest to the next sessions of oyer and terminer for the county.

The Inquisition. Forms of inquisition are given in the Appendix. In addition to the formal parts, the inquisition must contain the name of the deceased person, date of death or of finding of the body, cause of death, age, sex, occupation, whether married, single, or widow or widower, whether death was from natural causes, misadventure or violence, and be signed by the Coroner and the jury, or the majority in the case of a majority verdict.

In murder, manslaughter, infanticide or suicide cases, care must be taken to express the right verdict. The offence charged must be stated in accordance with the form relating thereto contained in the Third Schedule to the Indictable Offences (Coroners) Rules, 1927, dated April 27, 1927 (see Appendix). When the death took place other than on the day on which the criminal act was committed the date of death and not of the act causing death is the important date. The inquisition must be completed before the closing of the Court.

An inquisition may be on parchment or durable paper, and either written or printed, or partly written and partly printed. Each sheet on which an inquisition is set out shall be not more than twelve and not less than six inches in length and not more than fourteen and not less than

twelve inches in width, and if more than one sheet is required the sheets shall be fastened together in book form. A proper margin of not less than three inches in width shall be kept on the left-hand side of each sheet. Figures and abbreviations may be used for expressing anything which is commonly expressed thereby. An inquisition is not open to objection by reason of failure to comply with the foregoing (Rules of 1927, dated April 27, 1927, rule 14).

Closing of Court. The Court is closed by proclamation (see form in Appendix).

The foregoing illustrates the events where the Coroner sits with a jury.

Where he sits alone he alone will sign the inquisition.

Certain cases may be begun without a jury, and in the course of the inquest he may come to the conclusion that the case falls within the provisions of section 13 of the 1926 Act. In such case he will adjourn the inquest and issue a warrant to his Officer to summon a jury, and at the adjournment he should call before the jury such of the witnesses as are material to the issues in order that they may be examined and cross-examined in the presence of the jury. By section 13, sub-section 4, of the 1926 Act it is provided that where an inquest or any part of an inquest is held without a jury, anything done at the inquest or at that part of the inquest by or before the Coroner alone shall be as validly done as if it had been done before the Coroner and a jury. It would appear therefore that it will be sufficient to read over to the jury the depositions of formal or unimportant witnesses and not call such witnesses unless the jury express a wish to hear them.

Adjournment of Inquest. Where it becomes necessary to adjourn an inquest the adjournment should be by proclamation in the form set out in the Appendix. All the jurors and witnesses should be bound over to attend and notice of the recognizance subsequently served upon them.

Under the Statutory Rules and Orders of 1927 the date of an adjourned inquest may be altered at any time before the date fixed for the adjournment. Notice of the alteration must be given to any person who has entered into a recognizance to attend (rule 3). Forms of such notices are given in the Appendix.

These provisions as to adjournment are distinct from those with regard to adjournment in indictable cases under

the provisions of section 25, sub-section 2, of the 1926 Act relating to proceedings under sections 11, 13 and 14 of the Criminal Justice Act of 1925.

Obstructing Coroner in Course of his Duties. The Coroner is a Judge of a Court of Record (*Garnell* v. *Ferrand*, 6 B. & C. 611) and may commit or fine for insults offered to him whilst holding an inquest, or for wilful interruption of the business of his Court by unseemly acts such as brawling, assault, etc. He can only exercise this power when the contempt is committed "in the face of the Court" (*Ex parte Pater*, 33 L.J. M.C. 142).

INDICTABLE OFFENCES.

Indictable offences include murder, manslaughter, and infanticide.

New provisions as to these offences are contained in the 1926 Act, and by the Statutory Rules and Orders of 1927, sections 13 and 14 of the Criminal Justice Act, 1925, are made to apply to inquests.

Section 20 of the 1926 Act makes material changes and provides that if on an inquest, before the jury have given their verdict, the Coroner is informed that some person has been charged before examining Justices with the murder, manslaughter or infanticide of the deceased, he shall in the absence of reason to the contrary adjourn the inquest until after the conclusion of the criminal proceedings and, if he thinks fit, may discharge the jury.

The "reasons to the contrary" are not explained, and generally the better course will be to adjourn without discharging the jury.

After the conclusion of the criminal proceedings (i.e. trial at Assize or Central Criminal Court, and, possibly, appeal) the Coroner may resume the adjourned inquest if he is of opinion that there is sufficient cause to do so. It is the duty of the magistrate's clerk, of the Clerk of Assize, and of the Registrar of the Court of Criminal Appeal to inform the Coroner of the result of the proceedings (s. 20 (5)). By sub-section 6 of section 20 it is declared that criminal proceedings shall not be deemed to be concluded until no further appeal can, without an extension of time being granted by the Court of Criminal Appeal, be made in the course thereof.

Where an inquest has been adjourned under section 20, and the jury discharged, and the Coroner resumes the inquest, he will proceed *de novo*, in all respects as if the inquest had not been previously begun, except that it shall not be obligatory on the Coroner to view the body (s. 20 (3)).

If having regard to the result of the criminal proceedings the Coroner decides not to resume the inquest, he must furnish the Registrar of Deaths with a certificate stating the result of the criminal proceedings and the particulars necessary for the registration of the death so far as they have been ascertained at the inquest (s. 20 (4)). The Coroner will therefore take care before he adjourns or breaks off his inquest to obtain evidence of the full name of the deceased, date and place of death, age, state in life, parentage, etc.

Where under section 20, sub-section 5, of the 1926 Act a Clerk to examining Justices informs a Coroner that a charge of murder, manslaughter, or infanticide is being made against a person in respect of the deceased, it is the duty of the Coroner to inform the Clerk whether the inquest has been begun, if adjourned the date of the adjournment, or whether he has committed any person for trial, and if so to what Court (rule 12).

If the inquest is resumed, then regard must be had to what has happened in the criminal proceedings, and reference should be made to section 20, sub-section 2, clause 2, which provides that if in the course of the criminal proceedings any person has been charged on indictment, then upon the resumed inquest no inquisition shall charge that person with an offence of which he could have been convicted on indictment or contain any finding inconsistent with the determination of any matter by the result of the criminal proceedings.

If therefore the prisoner has been discharged it is not open to the Coroner's Court to find a verdict of murder or manslaughter, or in the case of a conviction for manslaughter to find murder.

This clause, however, would not preclude a Coroner's jury, after criminal proceedings have been concluded in favour of one person, finding a verdict against another person if the evidence available at the resumed inquest warranted such a course. It is conceivable that this situation may arise.

Where an inquest has been adjourned until after the conclusion of criminal proceedings and the Coroner is informed by the Clerk to the examining Justices that a person has been committed by his Court for trial on a charge of murder, manslaughter, or infanticide of the deceased person the Coroner is to inform the Clerk of Assize of the fact of adjournment, and if the Coroner is subsequently informed that the trial is to be at some other Court, he must also inform the Clerk of that Court.

Compelling Attendance of Jurors and Witnesses. After the persons have been selected for service as jurors they must be served with a juror's summons (see Appendix). If the juror does not appear after being openly called three times, or appearing, refuses without reasonable excuse to serve as a juror, he is liable to a fine of £5 (1887 Act, s. 19).

The fine is imposed by the Coroner, and the power of doing so is in addition to any power the Coroner may have independently of the Act for compelling attendance, but the Coroner cannot both fine and punish for contempt. Where a fine is imposed the Coroner signs a certificate describing the delinquent, the amount, and cause of the fine and sends it to the Clerk of the Peace for the county or place in which the person resides on or before the first day of the next quarter sessions, also causing a copy of the certificate to be served on the offender at least twenty-four hours prior to quarter sessions by leaving the same at his residence. The Clerk of the Peace enters the fine on the roll of fines and forfeitures and the same is estreated, levied, and applied in the same way as fines imposed at quarter sessions (1926 Act, s. 19 (4), (5)).

The foregoing provisions apply to witnesses who have been duly summoned and fail to appear (see Appendix for form of witness summons, which should be served personally). Absent witnesses, when duly summoned, should be called three times at the entrance of the Court, before being fined.

Most frequently witnesses attend without a witness summons, but this formality should never be omitted in the case of medical witnesses. A form of summons for medical witness is given in the Appendix. It may require the doctor not only to give evidence but also to make a post-mortem examination and an analysis (1887 Act, s. 21, and 1926 Act, s. 22). The combined effect of these sections is that the medical witness summoned must

(1) attend to give evidence and also, if required,
(2) make a post-mortem, and
(3) make a special examination by way of analysis, test or otherwise of such parts or contents of the body or such other substances or things as ought in the opinion of the Coroner to be submitted to analyses, tests or other special examination with a view to ascertaining how the deceased came by his death.

Instead of relying on the usual medical witness, the Coroner may request a person specially qualified to conduct the special examination and may require such person to attend and give evidence at the inquest. It is contemplated by the Act that the medical witness will be the person who attended the deceased during last illness, if such is the fact. The special examiner will probably be a specialist. The only restriction in the Act as to the person to be called applies to the post-mortem and special examination (s. 22 (4)). These duties must not be performed by a medical practitioner or other person where oath has been made before the Coroner that such medical practitioner or other person by improper or negligent treatment caused, or partly caused, the death of the deceased person. Nor must they render any assistance, although they may be represented at the post-mortem. The Act is silent as to being represented at the special examination.

Perjury. If any person lawfully sworn as a witness or as an interpreter in a judicial proceeding wilfully makes a statement in that proceeding which he knows to be false or does not believe to be true, he is guilty of perjury (Perjury Act, 1911).

Recognizances : When and How Taken. A recognizance is a bond entered into by a person to do a certain act and binding him to do that act under a penalty.

A Coroner has power to require jurors and witnesses and also the prosecutor in the case of indictable offences to enter into a recognizance. It is necessary to do this before closing the Court. It will be done where any person is charged with an indictable offence. In this case the witnesses and the prosecutor are bound over. If the accused person is granted bail he will also be bound over to appear at the Assizes or Court of trial. The witnesses are bound

over to appear and give evidence, the prosecutor to prosecute and, if necessary, give evidence, and the accused person to appear at the trial (see forms in Appendix). When acknowledged and taken the forms of recognizance may be filled up and signed by the Coroner out of Court and served upon the persons to whom they are addressed.

Where recognizances are taken for the purpose of an adjournment it is necessary to bind over the jury and the witnesses (see Appendix for form of recognizance for jurors).

If the date of the adjournment is altered notice of the alteration may be given to the persons who have entered into recognizances and such recognizances hold good for the adjourned date. If after binding over a witness to attend the adjourned inquest the Coroner comes to the conclusion that such witness need not attend he may give the witness notice to that effect and the recognizance is thereupon discharged (Rules and Orders of 1927, rr. 3 and 4).

In cases of murder, manslaughter, or infanticide the recognizance may be conditional only. This power is given by the Statutory Rules and Orders of 1927 (*quod vide*) and will be useful for the purpose of releasing formal witnesses from attendance at an adjournment. In such case the witness is conditionally bound over to attend the trial and give evidence if notice so to do is served upon him. This procedure may also be followed if the Coroner is of opinion that the attendance of the witness at the trial is unnecessary. If, however, notice is subsequently given to the Coroner by the prosecution or the person committed for trial that the attendance of such witness at the trial is required, the Coroner must forthwith issue a notice to such witness requiring his attendance and cause it to be served on the witness in manner applicable to a witness summons, or if time does not permit, notice may be given to such witness in such way as circumstances may render expedient (rule 9). A form of such notice is given in the Appendix.

If the said notice is issued at the request of the prosecution it is the duty of the Coroner to inform the person committed for trial of the fact, and *vice versa* (rule 9 (2)).

The Coroner must, when committing the person charged for trial, inform him of his right to require the attendance at the trial of any witness conditionally bound over, and of the steps which he may take for the purpose of enforcing such attendance.

The attendance of an unwilling witness may be enforced by a subpœna *ad testificandum*, or if documents in his possession are required by a subpœna *duces tecum*.

Any documents or articles produced in evidence at the inquest by any witness conditionally bound over to attend the trial and stated to be unnecessary are to be marked as exhibits and retained by the Coroner and forwarded with the depositions to the Court of trial (Criminal Justice Act, 1925, s. 13 (3)). In any particular case the Coroner may otherwise order, but he should make certain that the exhibits will be forthcoming at the trial. Regard must also be had to section 5 of the Prosecution of Offences Act, 1879, relating to the delivery of documents to the Director of Public Prosecutions. This section gives the Public Prosecutor the right to require delivery to himself of

> "every recognizance, information, certificate, inquisition, "document, and other thing which is connected with the "said proceedings,"

and thereafter the duty of delivering the documents to the Clerk of Assize is removed from the Coroner and placed on the Director of Public Prosecutions.

All recognizances and notices mentioned above should be served by the Coroner's Officer either personally or by leaving the same with a responsible person at the address of the person to whom they refer, and the officer should be available at the trial to prove service.

A juror or witness refusing to enter into a recognizance may be committed for contempt and kept in prison until the next adjournment or the trial as the case may appear. Failure to appear after recognizance entered into subjects the offender to arrest, or the Coroner may forfeit the recognizance.

Where a verdict of murder, etc., has been found against a person, and in the course of the inquest any witnesses have been conditionally bound over to attend the trial, the Coroner is required to transmit to the Clerk of Assize with the depositions a statement containing the names, addresses, and occupations of all such witnesses. In such statement the Coroner must distinguish those witnesses to whom notices have been subsequently sent requiring them to attend the trial, giving the date of the notice. If after this statement has been delivered a notice has been issued,

the Coroner is required to give notice thereof to the Clerk of Assize (rule 10).

Venue of Trial of Indictable Offences. Ordinarily, a person charged with an indictable offence will be committed for trial at the Assizes for the County or the Court having jurisdiction over indictable offences where the offence is committed. Now, however, regard must be had to sections 13 and 14 of the Criminal Justice Act, 1925, which provides that where a Coroner's inquisition charges any person with murder, manslaughter, or infanticide the Coroner may, instead of committing him to be tried at the Assizes for the place to which but for this section he might have been committed, commit him to be tried at the Assizes for some other place if it appears to him, having regard to the time when and the place where the last mentioned Assizes are to be held, to be more convenient to commit the person charged to those Assizes with a view either to expediting trial or saving of expense. Provided that in any case in which it appears to the Coroner likely that the person charged will be committed by examining Justices to any Assize the Coroner shall commit to such Assizes as it appears likely that he will be so committed. The venue of trial, however, is not to be changed in any case in which the person charged satisfies the Coroner that he would suffer hardship thereby (Criminal Justice Act, 1925, s. 14).

The Committal. After the jury have returned a verdict of murder, manslaughter, or infanticide and the inquisition has been signed, the Coroner will forthwith issue his warrant of commitment and also warrant of arrest of the person charged (see forms in Appendix). These must be signed and sealed and delivered to the prosecutor for execution.

Where a Coroner's inquisition charges any person with murder, manslaughter, or infanticide the Coroner has power, subject to rules made under the section in that behalf, to commit that person for trial in the same manner as Justices (s. 25 (1) of 1926 Act).

By the same section the Lord Chancellor has power to make such rules and apply sections 11, 13 and 14 of the Criminal Justices Act, and any other Act relating to venue in indictable offences and the powers of Justices to bind over witnesses and to commit to convenient Assizes. Rules made under the Indictment Act, 1915, are not to apply to the Coroner's Court and inquisitions except in so far as

they are made to apply by the Coroners Act of 1926 (s. 25 (3) of 1926 Act). The power of making rules for regulating the practice and procedure at or in connection with inquests and post-mortem examinations is contained in section 26 of the 1926 Act and is vested in the Lord Chancellor with the concurrence of the Secretary of State. Such rules are to relate generally to Coroners' duties and in particular to:

(*a*) procedure at inquests held without a jury;
(*b*) the issue by Coroners of burial orders;
(*c*) empowering a Coroner to alter date fixed for an adjourned inquest;
(*d*) procedure to be followed where the Coroner decides not to resume an adjourned inquest; and
(*e*) as to notices to be given and as to variation or discharge of recognizances entered into by jury and witnesses where the date fixed for an adjourned inquest is altered or where a Coroner decides not to resume an adjourned inquest.

Rules have been made under these powers and came into operation on July 1, 1927. A copy thereof will be found in the Appendix.

MINISTERIAL ACTS AFTER INQUEST.

If a burial order has not been previously issued this must be done forthwith. It must be given to the relative of the deceased or other person who is about to cause the body to be buried, or to the undertaker or other person having charge of the funeral (see form in Appendix). Every order has a detachable portion on which can be inserted by the person to whom it is given the notification required under the Births and Deaths Act, 1926 (Rules and Orders of 1927, r. 5).

Death Certificate. A certificate of death must be signed and issued by the Coroner and sent to the Registrar of Deaths within five days next after the conclusion of the inquest. If the certificate is not received by the Registrar within the five days he must apply to the Coroner forthwith, and unless he receives such certificate within seven days next after such application he must report the matter to the Registrar General. The form of the certificate used will be the one issued under the Births and Deaths Registration

Act, 1926 (see Appendix). In such certificate it will be shown whether the inquest was held by the Coroner alone or with a jury, the date and place of death or when and where the body was found, the name and age of the deceased, sex, age or probable age, the usual or last known place of residence if death took place elsewhere, the occupation, whether married or single or a widow or widower, and if single the name of the father, the cause of death as found at the inquest, and if a post-mortem has been held, and the date of the inquest If criminal proceedings have been taken and the inquest has been adjourned under section 20 of the 1926 Act the result will be stated, viz. Discharge by Justices; or Bill thrown out by Grand Jury; or Conviction or Acquittal of the person charged. At the foot of it will be shown the date on which the order for burial was issued and the person to whom it was given. The certificate will be dated and signed by the Coroner and show the county or area for which he acts. The withholding of the certificate may work considerable hardship in certain cases, particularly where the life of the deceased was insured, and some scheme should be devised to obviate this.

The same certificate includes in part 3 a certificate in the case of stillborns. A stillborn child is defined by the Births and Deaths Registration Act, 1926, section 12, as

> "any child which has issued forth from its mother after "the 28th week of pregnancy and which did not at any "time after being completely expelled from its mother "breathe or show any other signs of life."

The certificate is a simple matter. No reference to the father or his rank or profession should be made in the case of illegitimates.

In entering "cause of death" the Registrar suggests that it is desirable that Coroners should return any cause of death from natural causes in the form prescribed by him under section 6 of the Births and Deaths Act, 1926. He will therefore give the immediate cause (i.e. the disease, injury, or complication which caused death—not the mode of dying), the morbid conditions, if any, giving rise to immediate cause (stated in order proceeding backwards from immediate cause), and other morbid conditions (if important) contributing to death but not related to the immediate cause.

Where death results from violence—the term "violence" including all deaths from unnatural causes whether accidental, suicidal, or homicidal—the verdict should state the nature of the injury, the form of violence causing the injury, the means or instrument of violence, and its accidental, suicidal, or homicidal nature.

Where death results from disease associated with violence, the statement of cause of death should indicate whether the disease or the injury was the principal cause of death.

If death takes place while under or associated with the administration of anæsthetics the certificate must state the disease or injury necessitating the operation and the particular anæsthetic employed.

Hitherto it has not been usual to state in the certificate that no post-mortem has been made. In future the Coroner will add "P.-M." or "No P.-M." in the sixth column as the case may be.

In describing the rank or profession of the deceased, terms of reproach such as "pauper," "lunatic," "prostitute" are not to be used.

The age of the deceased should be entered as follows: If not more than one day, in hours or minutes; if not more than one week, in days; if not more than a month, in weeks; if not more than two years, in months; afterwards in years (Births and Deaths Registration Act, 1926).

Power is given to a Coroner by certificate under hand to correct any error other than of fact or substance (other than an error relating to the cause of death) in a certificate of the finding of the jury previously sent by him to the Registrar.

Daily Journal. Every inquest held, as well as all cases enquired into where an inquest is not taken, must be entered in the daily journal. The file of papers relating to each inquest should be numbered, and the numbers run consecutively, and should be entered in the journal for reference purposes. The name of deceased, age, and other particulars required should be entered in the appropriate columns. The annual returns required from each Coroner by the Registrar of Births and Deaths can then be compiled from the journal.

Annual Returns. These returns are made on forms supplied by the Registrar General of Births and Deaths. The forms are supplied in duplicate. When completed and

signed one should be returned to the Secretary of State before the first day of February in the succeeding year. The returns are made up to December 31. The duty of making annual returns is made compulsory on all Coroners by section 28 of the 1926 Act.

In addition to the yearly returns the Secretary of State by the same section has the power of requiring returns from all Coroners in relation to inquests and deaths enquired into by him in such form and containing such particulars as the Secretary of State may direct.

INQUESTS WHERE SEVERAL DEATHS ARISE FROM ONE ACCIDENT.

Prior to the 1926 Act, the author had to hold inquests on more than one dead body where the deaths had arisen from the same violent cause. If one death had taken place at the time of the accident and other deaths appeared likely, the inquest was opened and adjourned for a time. When other deaths supervened, the inquest was resumed, a fresh warrant being issued in respect of the subsequent deaths. Only one inquest was held, but separate inquisitions were signed and sealed recording the verdict of the jury. This course was approved, and no objection ever taken by interested persons.

The 1926 Act and the Statutory Rules and Orders of 1927 are silent on this point. Care should be taken that all material evidence given at the opening inquest is read over to the witness at any adjourned inquest when the enquiry into a subsequent death is opened.

Section 17 of the 1926 Act has a most useful provision to meet the difficulties arising where the bodies of two or more persons whose deaths appear to have been caused by the same accident are lying within the jurisdiction of different Coroners. If the Coroners concerned cannot agree as to the removal of all the bodies into one area the Secretary of State may, if of opinion that the public interest so requires, give directions for removal of any of the bodies into such area as he may determine, and may also give directions for the subsequent removal of any body to any place within the jurisdiction from which it was removed, and for the adjustment of the expenses of and in connection with the inquests on the bodies removed, and the inquests shall be

order the removal of the body to any place to which the other Coroner could have allowed or ordered its removal had it been within his jurisdiction. The order of removal may provide for the removal back of the body to any place in the area from which it was taken. The Coroner in the area to which the body has been removed will view the body and hold the inquest, and direct the time when the body can be removed back, and such removal back to the original area and out of his jurisdiction is not to affect his powers and duties in relation to the inquest. It follows from this that the certificates of burial and of death will be issued by the Coroner taking the inquest.

The expenses of any such removal will form part of the expenses incurred by the Coroner who orders the removal and will not be paid by the Coroner holding the inquest (s. 16 (3)). Apparently, however, the other expenses in connection with the inquest will be paid by the Coroner who takes the inquest.

QUASHING OF INQUISITION.

The King's Bench Division of the High Court has an inherent common-law power to quash a Coroner's inquisition. This power was confirmed by the 1887 Act, section 6, but inferentially the statutory authority was confined to cases of fraud, rejection of evidence, irregularity of proceedings, insufficiency of enquiry, or where it was otherwise necessary or desirable in the interests of justice that another inquest should be held. By section 19 of the 1926 Act it is declared for removal of doubt and without prejudice to the provisions of section 6 of the 1887 Act that the powers of the High Court under that section extend to and may be exercised in any case where the Court is satisfied that by reason of the discovery of new facts or evidence it is desirable in the interests of justice that an inquisition on an inquest previously held concerning a death should be quashed and that another inquest should be held.

Many and various decisions have been given in proceedings to quash an inquisition. They are set out in detail in Halsbury's Laws of England, vol. viii. p. 284, and need not be repeated here.

The application to quash a conviction is made on motion for a rule calling on the Coroner or other officer having

custody of the inquisition to show cause why a writ of certiorari should not issue to remove the inquisition into the King's Bench for the purpose of being quashed.

If the inquisition be quashed for want of formality or cause other than misconduct on the part of the Coroner the Court may order a fresh inquisition to be had by the Coroner with or without a view. If misconduct is proved the Court will order a *melius inquirendum* to be taken by the Sheriff or justices or special commissioners upon affidavits or verbal evidence, and the persons charged with the enquiry make their return to the High Court.

TRAVERSE OF INQUISITION.

A person affected by the inquisition may traverse the findings thereof. In murder and manslaughter cases, and possibly in cases of infanticide, the traverse is made by plea before the Court into which the inquisition has been returned. In other cases the proper method is by certiorari, and if not quashed otherwise than for informality it may be traversed by leave of the Court and the issue determined before a jury at the Assizes. If quashed for informality only the inquisition may be traversed. Where the jury have found a verdict of suicide whilst insane the inquisition cannot be traversed with the object of proving that the verdict should have been one of *felo de se.*

CHAPTER IV.

REMUNERATION, PENSION AND SALARY OF CORONER.

Section 5 of the 1926 Act must now be referred to on the question of salary. For the first time certain Coroners are now pensionable as of right, while others may become so.

By sub-section 1 every Coroner must now be paid by salary. In the case of Borough Coroners this salary is in lieu of the fees and allowances specified in the Municipal Corporations Act of 1882 and the additional payments mentioned in section 27 of the 1887 Act, or any other remuneration payable under any other Act or Provisional Order.

The Act contemplates that the amount of the salary and any alteration thereof shall be fixed by agreement between the Council by whom the salary is payable and the Coroner. Failing agreement, either the Coroner or the Council concerned may apply to the Secretary of State to fix the rate of salary. His decision is binding upon both parties, and apparently without appeal. The rate so fixed comes into force as from such date as he may determine, not being a date less than three years from the date when the rate of salary came into force as last fixed, unless in the opinion of the Secretary of State the Coroner's area or district has in the meantime been materially altered.

In fixing the rate of salary regard is to be had to the nature and extent of the duties and to all the circumstances of the case.

The foregoing provisions apply to Coroners appointed both before and after the 1926 Act came into force.

As respects Coroners holding office at the commencement of the Act, every Coroner to whom a salary is, at the commencement of the Act, payable by the Council of a county, is deemed, for the purposes of section 5 of the Act,

to have been appointed by that Council and to be a County Coroner. This provision is necessary to meet the case of a franchise area being absorbed into and forming part of a county. The Coroner of the franchise will not require to be reappointed, but on the Act coming into force became a County Coroner. This sub-section also applies to existing County Coroners and provides that the salary of a County Coroner shall, subject to any alteration which may subsequently be made under the section, continue to be payable at the rate in force at the commencement of the Act.

In the opinion of the Coroners' Society, Borough Coroners in making application for fixation of salary should base their application upon an increase of 50 per cent. on the statutory fee (i.e. £1 6*s.* 8*d.* per inquest) and ask for an allowance for enquiries into cases where no inquest is held. It is also suggested that in addition an allowance should be made in respect of clerical expenses.

It seems safe to predict that the Act of 1926, together with the many special Acts requiring notification, will increase the number of inquests. It may with greater assurance be said that many more enquiries will now have to be made. If these statements are borne out by experience, then there can be no question but that Coroners will be justified in asking for and councils in giving an increased salary.

The question of what is an adequate salary is to some extent governed by the pension provisions of the Act of 1926 (s. 6).

The pension provisions are of a dual character.

A Coroner, either County or Borough, appointed after the commencement of the 1926 Act may be paid a pension on retirement by the Council by whom his salary is payable provided

(*a*) he shall then have attained the age of 65 years ; or
(*b*) if the Council are satisfied by means of a medical certificate that the Coroner is incapable from infirmity of mind or body of discharging the duties of his office, and that such incapacity is likely to be permanent.

A Coroner who held office at the date of the commencement of the 1926 Act is on a different footing. The pensions provisions of the Act will not apply to him unless upon his

application a resolution to that effect has been passed by the Council by whom his salary is payable.

Where a Coroner appointed before the Act has been brought within its pension provisions, or where a Coroner appointed after the Act vacates his office at the request of the Council by whom his salary is payable, and at the time of retirement shall have completed fifteen years' service and also have attained the age of 65 years, he is entitled as of right to receive the maximum pension which the Council is empowered to grant to him, regard being had to the length of his service. The term " service " means service whether before or after the commencement of the 1926 Act as a Coroner in the county or borough of the Council by whom the pension is payable.

It may be mentioned here that where a Coroner has served for fifteen years and is over 65 years of age the Council may compel him to vacate his office (s. 6 (2)).

The amount of the pension is not to exceed the scale in the First Schedule to the Act. This scale is as follows :

1. An annual pension not exceeding ten-sixtieths of the last annual salary after the completion of a period of five years' service.

2. Where the completed period exceeds five years, there may be granted an annual pension not exceeding ten-sixtieths of the last annual salary, with the addition not exceeding one-fortieth of the last annual salary for each completed year's service after five years, so, however, that no such annual salary shall be of an amount exceeding two-thirds of the last annual salary.

3. For the purposes of the schedule the last annual salary of a Coroner shall be taken to be the salary paid to him in respect of his last completed year of service as Coroner, after deducting so much, if any, of that salary as was paid to the Coroner with a view to providing at his own expense for any necessary expenditure in connection with his duties as Coroner, and if any dispute arises as to the amount to be deducted under this paragraph in computing the salary of a Coroner, the dispute shall be referred to the Secretary of State, whose decision thereon shall be final and conclusive.

Both salary and pension payable to a Coroner are deemed to accrue from day to day ; and in the absence of agreement, payable quarterly (1926 Act, s. 7).

The salary of a County Coroner is paid out of the special county rate and of a Borough Coroner out of the borough fund (1926 Act, s. 8).

Formation and Alteration of County Coroners' Districts.

Counties were anciently divided into Coroners' districts and a Coroner elected for each district.

With regard to the City of London from and after the occurrence of the next vacancy in the office of Coroner, the provisions of the 1926 Act and of any other Act relating to Borough or County Coroners shall apply as if the Common Council were the Local Authority and as if the Coroner for the City were a Borough Coroner and the expenses of the Common Council are to be defrayed out of the general rate.

The several Ridings of Yorkshire and divisions of Lincolnshire are separate counties for the purposes of the Coroners Acts, and this arrangement is continued by the 1926 Act (s. 33). By section 12 of the 1926 Act, a County Council may at any time and shall, if directed to do so by the Secretary of State, submit, after complying with such requirements as to notice and consideration of objections as may be prescribed, to the Secretary of State a draft order providing for the division of the county into such Coroners' districts as they think expedient, or for such alteration of any existing division of the county into Coroners' districts as appears to them to be suitable, and the Secretary of State, after taking into consideration any objections to the draft made in the prescribed manner and within the prescribed time, may make the order either in the terms of the draft submitted to him or with such modifications as he thinks fit.

Every order made under this section will come into force on the date specified in the order, and any order so made may be subsequently varied or revoked.

If by reason of any order made under the section the Secretary of State is of opinion that the number of Coroners for a county should be increased, the County Council is required to appoint additional Coroners for the county as the Secretary of State directs. Coroners so appointed are

to be appointed under the provisions relating to the appointment to the office of County Coroner as if a vacancy had occurred, and sections 5, 19 and 20 of the Coroners Act, 1884, relating to the assignment of districts to County Coroners and to the residence and jurisdiction of County Coroners within counties assigned to them, are made to apply to the new or altered districts and to the Coroners appointed to them under the 1926 Act in the same way as they apply to districts under the Act of 1884 and to Coroners appointed under writs *de coronatore eligendo.*

Every order made under section 12 is required to be laid as soon as may be before both Houses of Parliament and published in the *London Gazette* and by the County Council in manner prescribed by the Secretary of State either by general rules or particular directions.

Section 1 of the Rules Publication Act, 1893, will not apply to any order made under section 12.

By section 31 of the 1926 Act it is provided that any Order in Council made under section 4 of the Coroners Act shall continue in force and shall have effect as if it were an order providing for the division of a county into Coroners' districts or for the alteration of an existing division of a county into Coroners' districts, as the case may be, made by the Secretary of State under the 1926 Act.

Coroners' Expenses and Fees.

Under section 25 of the Act of 1887 a Local Authority having the power of appointing a Coroner were given power to make a schedule of fees, allowances, and disbursements which might lawfully be made by a Coroner on the holding of an inquest. By section 29 of the 1926 Act this power is extended so as to permit any schedule so made to include any fees, allowances, or disbursements which may lawfully be paid by a Coroner in the course of his duties. These schedules have now been prepared and passed by the Local Authorities, and generally provide as follows:

	£	s.	d.
Coroner's Officer for collecting evidence and summoning and warning witnesses, etc., including travelling expenses		7	6
His attendance at adjourned inquest		2	6
Room for inquest (if payable)		5	0

	£	s.	d.
Recovery of body (actual and necessary expenses)			
Removal of body to place of inquest (actual and necessary cost)			
Removal of body to mortuary for inquest or for post-mortem examination (actual and necessary cost)			
Expenses ordered to be defrayed by a Secretary of State under section 17 of the 1926 Act (where several deaths arise from one accident) (actual and necessary cost)			
Cleansing the body by order and when not done by relatives		5	0
Receiving and keeping (where payable) .		5	0
Witness (except medical), each attendance (mileage extra)		2	0
Medical fees :			
Attending to give evidence for each day	1	11	6
Post-mortem and report, without evidence	2	2	0
Post-mortem ordered by Coroner and report and attending to give evidence for first day (with extra £1 11s. 6d. for each subsequent day) . . .	3	3	0
Special examination of body under section 22 of 1926 Act (the actual and necessary cost, to be sanctioned before payment)			
For a report as to the fact and cause of death when directed by Coroner .		10	6

Such other necessary expenses not otherwise provided for as may be specially sanctioned before payment by the chairman of the Finance Committee.

Other formalities include the following :

(1) Where the attendance of a second medical witness is required by the jury, the written requisition of the jury must be forwarded by the Coroner with his account to the Council.

(2) Should the Coroner be of opinion that any analysis, examination, or investigation should be made, or

evidence obtained, or expenses incurred for which it would be necessary to make an allowance under special disbursements, application should be made to the Clerk of the Council stating particulars of the amount and nature of the proposed expenditure, and the sanction of the chairman obtained.

(3) The Coroner is expected to exercise a discretion in every case and only pay such sums as the circumstances warrant.

The Act of 1926 may be cited as the Coroners (Amendment) Act, 1926, and that Act and the Coroners Acts of 1887 and 1892 may be cited together as the Coroners Acts, 1887 to 1926.

The Act of 1926 does not extend to Scotland or to Northern Ireland, and came into operation on May 1, 1927.

CHAPTER V.

SPECIAL DUTIES OF A CORONER.

The foregoing sets out the law, practice and procedure relating to inquests and enquiries where inquests are not held. It is now proposed to deal more fully with certain phases of the work of a Coroner which require special treatment.

These relate to inquests involving charges of murder, manslaughter, infanticide, suicide, misadventure, and still-borns, with notes on the new provisions applicable to cremation, and as to removal of bodies out of England, and exhumation.

Murder.

Murder is unlawful homicide with malice aforethought. To constitute murder the person killed must be a reasonable creature in being (*Rex* v. *Poulton*, 5 C. & P. 329). If a man in the commission of a felonious act causes the death of a fellow-creature he is guilty of murder, unless when committing the felonious act the possibility of death resulting therefrom was so remote that a reasonable person would not take the possibility of death into consideration. In that case the offence would be manslaughter (*per* BIGHAM, J., *R.* v. *Whitmarsh*, 62 J. P. 711).

Formerly the rule or doctrine was that an act causing death done in the commission of a felony was in all cases murder. This rule has now been relaxed, and murder will not be the appropriate charge unless the felonious act causing death were in itself eminently dangerous to life, e.g. arson, or abortion. In such cases the appropriate charge would be murder (*R.* v. *Serné*, 16 Cox 311). A person is justified in killing another in self-defence, but to save his own life he must not take away the life of an innocent person ("The Mignonette," *R.* v. *Dudley*, 14 Q. B. D. 273).

If two or more persons enter into a pact or agreement

to commit suicide, and being together attempt to take their own lives, one or more of them surviving, the survivor or survivors will be guilty of murder (*R.* v. *Stormonth*, 61 J. P. 729; *R.* v. *Abbott*, 67 J. P. 151). The person killed must have had an independent existence, therefore the killing of a child before or during its birth is not murder (*R.* v. *Poulton*, *supra*, and *R.* v. *Sellis*, 7 C. & P. 850; *R.* v. *Handley*, 13 Cox 79).

Homicide by an act of violence committed in the course of or in furtherance of the crime of rape is murder (*R.* v. *Beard*, [1920] A. C. 479).

With regard to burglary and allied cases where the burglar or house-breaker is killed in the act by the party assaulted or the owner of the house, or the servant of such persons, or by any other person present, the person causing or responsible for the death is entitled to an acquittal. In the defence of his house a man need not retreat, as in other cases of self-defence (*R.* v. *Hussey*, 89 J. P. 28). By the Offences against the Person Act, 1861, section 7, it is provided that

> "no punishment or forfeiture shall be incurred by any "person who shall kill another by misfortune, or in his "own defence, or in any other manner without felony."

The inquisition, where murder is found against any person, should be in the form set forth in the schedule to the Statutory Rules and Orders of 1927 to be found in the Appendix. The date of the murder will be the date of death and not the date of the commission of the act resulting in death. This consideration will also affect and control the venue.

The finding of murder may involve more than one person. In the case of every felony punishable under the Offences against the Person Act, 1861, section 67, every principal in the second degree, and every accessory before the fact, is punishable in the same manner as the principal in the first degree. The jury may therefore find a person guilty as accessory before the fact, and if so the inquisition will include this finding in the form set out in the Statutory Rules and Orders of 1927. In murder cases the inquisition should set out the names of all the jurors who concur in the finding.

Manslaughter.

Manslaughter is unlawful homicide committed without premeditation and therefore without any felonious intent. If death takes place more than a year and a day after the commission of the fatal injury the person causing the injury cannot be committed or convicted of manslaughter (*R.* v. *Dyson*, [1908] 2 K. B. 454). The dividing line between murder and manslaughter is sometimes very fine. Where death has resulted from a violent assault on the person it is most material to consider whether there has been provocation and the degree of such provocation. No amount of provocation will justify or excuse homicide. The question for consideration is whether the provocation is such as to permit a finding of murder or reduce the offence to that of manslaughter. The proper test is whether the provocation alleged is such as would deprive a reasonable man of self-control (*R.* v. *Lesbini*, [1914] 3 K. B. 1116). Words alone, without violence, may amount to such provocation as will reduce the offence to manslaughter, as where a husband kills his wife on her informing him that she has been guilty of adultery (*R.* v. *Rothwell*, 12 Cox 145). The provocation, to be sufficient to oust murder and reduce to manslaughter, must proceed from the deceased person.

The plea of uncontrollable impulse will not reduce a charge of murder to the offence of manslaughter (*R.* v. *Quarmby*, 15 Cr. Ap. R. 163).

Where a person feloniously discharges firearms at another person in circumstances amounting to manslaughter and inadvertently kills a third person, the offence is manslaughter (*R.* v. *Gross*, 77 J. P. 352). Where more than one person engage in the commission of a dangerous act and another person is thereby killed, all are guilty, although it may not appear which person actually committed the act resulting in death (*R.* v. *Salmon and others*, 6 Q. B. D. 79).

With regard to road accidents and collisions resulting in death the question of degree of negligence must be considered. The development of motor traffic has brought this matter into prominence. To sustain a finding of manslaughter the negligence must have been gross and wilful and unlawful. Negligence means the absence of all reasonable care, and " wilful " presupposes something more than mere inadvertence.

Other cases arising for consideration may involve questions of

the duty of parents, guardians, husbands and wives to their children, wards or spouses, in calling in medical aid,
non-provision of the necessaries of life, etc., or
neglect in other ways.

In such cases evidence must be available to connect the death with the act of negligence alleged, and to prove that death arose from or is attributable to such neglect. Sometimes the failure to call in medical assistance is due to the tenets of faith held by the parent, or guardian. If the medical evidence shows that life might have been saved or prolonged if medical assistance had been obtained the offence is manslaughter. As said by RUSSELL, L.C.J., in *R.* v. *Senior*, [1899] 1 Q. B. 283, "wilful" meant deliberate and not inadvertence, and "neglect" the absence of such reasonable care as an ordinary parent would reasonably use in the care and protection (of a child).

The state of drunkenness pleaded or admitted by the person charged is no excuse.

If a person charged with the death of the deceased person has been convicted on summary proceedings for assault in respect of the same circumstances this does not preclude a finding of manslaughter (*R.* v. *Morris*, L. R. 1 C. C. R. 90).

The inquisition should contain the names of the whole of the jury and be signed by all the jury who concur in the finding.

Infanticide.

The offence of infanticide was made a statutory offence by the Infanticide Act, 1922 (12 & 13 Geo. 5, c. 18), and is defined as follows:

"Where a woman by any wilful act or omission causes the "death of her newly-born child, but at the time of the act "or omission she had not fully recovered from the effect "of giving birth to such child, and by reason thereof the "balance of her mind was then disturbed, she shall, not-"withstanding that the circumstances were such that but "for this Act the offence would have amounted to murder, "be guilty of felony, to wit, of infanticide, and may for "such offence be dealt with and punished as if she had

" been guilty of the offence of manslaughter of such child " (section 1).

By circular dated May 17, 1923, the Home Office, on the direction of the Secretary of State, informed Coroners that questions had arisen as to the application of the Infanticide Act to Coroners' inquests and that the Law Officers in conjunction with Sir Richard Muir had advised that :

(1) It is not proper for a Coroner's jury, when satisfied that the death of a newly-born child has been caused by a woman in the circumstances set out in section 1 (1) of the Infanticide Act, 1922, to return a verdict of murder ;
(2) It is competent for a Coroner's jury in such circumstances to find a verdict of " infanticide " ; and
(3) It is competent for a Coroner, when a verdict of infanticide has been found against a woman, to proceed in accordance with section 5 of the Coroners Act (1887), as if the verdict was manslaughter.

The circular also states that the Director of Public Prosecutions does not desire a copy of the depositions to be forwarded to him unless he asks for them in a particular case, or for special reasons the Coroner thinks it desirable that this should be done, e.g. if the evidence does not appear to justify the verdict.

The power of a jury to return a verdict of manslaughter, or guilty but insane, is not affected by the Infanticide Act.

The inquisition should contain the names of the whole of the jury and be signed by all the jury who concur in the finding.

It will be noticed that only the woman who has given birth to the child can be charged with infanticide.

In infanticide cases the question of granting bail is a troublesome one, and the Coroner will have regard to the safety of the person charged, particularly her mental condition and balance, and whether there are persons capable and willing to look after her and get her restored to health and freed from the shock of confinement and loss of her child.

Suicide.

Suicide is self-murder and therefore homicide and a felony when committed by a person who has attained years

of discretion. If the jury find that the deceased was of sound mind and had come to years of discretion the verdict will be one of *felo de se.*

Suicide does not now entail forfeiture of goods (Forfeiture Act, 1870 (33 & 34 Vic. c. 23)). The old barbaric custom of burial at four crossroads between 9 and 12 at night without any religious rites and with a stake driven through the body was abolished in 1823 (4 Geo. 4, c. 52). The Interments (felo de se) Act, 1882 (45 & 46 Vic. c. 19), provides that the body may be buried in manner authorised by the Burial Laws Amendment Act, 1880 (43 & 44 Vic. c. 41), being either with or without any religious service or with such Christian and orderly religious service as the person having the charge of the body thinks fit.

Suicide is presumed to be self-murder unless proved to the contrary.

If the evidence will not support a verdict of *felo de se*, it is open to the jury to find that at the time of the act the deceased person was of unsound mind, when the verdict will be " not being of sound mind did kill himself."

Careful consideration must be given to any evidence tendered bearing on the question of sanity or insanity. The medical evidence may be conclusive on the point. If this is absent the Coroner should elicit all facts concerning the history of the deceased, his family and parentage; the deceased's conduct before death, and the circumstances surrounding the death, and consider whether or not such conduct was that of a person possessing balance of mind, and freedom from domestic or financial worries, taking care that all such matters are brought before the jury in such form that they can and will give them full weight and proper values.

In the case of women enquiry should be made as to date of last confinement, and of course her age may indicate the possibility of functional disturbance.

The inquisition should contain the names of all the jury and be signed by all the jury who concur in the verdict.

Stillborns.

By section 12 of the Births and Deaths Registration Act, 1926 (16 & 17 Geo. 5, c. 48), the terms " stillborn " and " stillbirth " apply to any child which has issued from its mother after 28 weeks of pregnancy and which did not at

any time after being completely expelled from its mother, breathe or show any other signs of life. This Act came into operation on July 1, 1927. Section 7 of the Act requires the birth of every stillborn child to be registered. The person required to register must either :

(1) deliver to the Registrar a written certificate that the child was not born alive, signed by a registered medical practitioner or certified midwife, who was in attendance at the birth or who has examined the body of the child ; or
(2) make a declaration to the effect that no registered medical practitioner or certified midwife was present at the birth, or has examined the body, or that his or her certificate cannot be obtained, and that the child was not born alive.

Under rule 75 of the Statutory Rules and Orders of 1927 (No. 485), made under the Births and Deaths Registration Acts, the Registrar reports the birth of the stillborn to the Coroner in the following cases :

(1) Not attended during last illness (i.e. birth) by a registered medical practitioner, or he is unable to obtain delivery of a duly completed medical certificate.
(2) Death to have been unnatural or directly or indirectly caused by any sort of accident, violence or neglect, or to have been attended by suspicious circumstances, or from causes unknown.
(3) Death appears from medical certificate to have been due to any of the following causes : abortion, anthrax, compressed air disease, glanders, industrial disease of the lungs, poisoning, including poisoning from alcohol, aniline, arsenic, benzine, blood poisoning, carbon bisulphide and carbon monoxide poisoning, food, lead, or mercurial poisoning, morphine or other drug habit poisoning, and poisoning from phosphorus, tetrachlorethane, or trinitrotoluene.
(4) Death after an operation necessitated by injury or occurring under an operation or before recovery from the effects of an anæsthetic.
(5) Death with respect to which it appears that deceased was seen by the certifying medical practitioner neither after death nor within 14 days before death.
(6) Any alleged stillbirth with respect to which he has reason to believe that the child was born alive.

The Registrar must satisfy himself that the facts have been reported to the Coroner, and must not register the death which has been reported by himself or which to his knowledge it is the duty of any other person to report to the Coroner, or which to his knowledge has been reported to the Coroner, until he has received a Coroner's certificate or notification that no inquest will be held.

On receipt of this report or notification the Coroner must cause enquiry to be made by his officer. If he considers it necessary or desirable he may require a post-mortem examination to be made under the provisions of section 21 of the 1926 Act. If an inquest is taken, then the certificate of death will be sent to the Registrar with part 3, relating to stillborns, duly filled in. If he decides not to hold an inquest or to order a post-mortem he will report the fact in writing to the Registrar. If he decides to have a post-mortem examination under section 21 he will certify the cause of death as disclosed in the report made to him, making it clear that a post-mortem examination has been held but no inquest taken. Where an inquest has been held the certificate will state whether the child was a stillborn or whether there was not sufficient evidence to show that the child was born alive. If the inquest shows that the child was born alive notwithstanding any previous medical certificate, then part 3 of the death certificate will not be used.

A Registrar must not issue a certificate in the case of a stillborn where he is informed that it is intended to cremate the remains (rule 89).

The question of stillbirth is one of difficulty in cases of children of full time or nearly so. Experience shows that occasionally medical witnesses are loose in methods of diagnosis and are liable to confusion under cross-examination. Juries should be warned against being led away, by apparently callous conduct, to find that a child was born alive unless the medical evidence shows full appreciation of the pathological and gynæcological questions involved. In all such border-line cases a post-mortem is essential.

If the medical evidence shows that the child was expelled by its mother before the 28th week of pregnancy then no return need be made, and if an inquest is opened it may be closed without proceeding to a verdict.

Misadventure.

The appropriate finding to be entered in the inquisition on a verdict of misadventure is that A. B. accidentally and by misadventure was killed.

A verdict of misadventure is appropriate and correct in cases other than murder, manslaughter, accessory before the fact of murder, infanticide, *felo de se*, suicide but insane, and natural causes, and except also in those cases in which an open verdict is returned. It embraces all pure accident cases, and is applicable also where death is caused by the violence or negligence of another, and such violence or negligence is not of a criminal nature.

In many inquests the facts are on the border-line. This is very true of road accident collisions resulting in death. In such cases the question for decision by the Court is whether the negligence disclosed by the evidence is gross and wilful, and shows a serious absence of all or reasonable care which would be expected of the person at fault in the circumstances. Was the person drunk or so affected by drink or drugs that he was incapable of performing the act in which he was engaged? If this is proved, the verdict would be manslaughter and not misadventure. Or again, where a person dies through wilful neglect of those who by law or circumstance have had laid upon them or have assumed charge and care of the deceased person, was such neglect "wilful" in the sense that it was deliberate and not mere inadvertence? Was there an absence of the reasonable care which an ordinary parent or guardian or custodian would use in the care and protection of a child, a ward or a helpless invalid? Anything less than this is misadventure, although the conduct of the person at fault is guilty of moral turpitude. Misadventure will be the correct verdict if while the facts amount to manslaughter the deceased person died more than a year and a day after the commission of the acts of violence resulting in death. Regard must be had to the relation in which the deceased person stood to the party at fault; whether a professional man or a person taking upon himself the duties usually performed by a professional man, carried out those duties with reasonable care, or whether he was guilty of criminal inattention, rashness or carelessness (*R.* v. *Crook*, 1 F. & F. 521; *R.* v. *Bateman*, 89 J. P. 162).

Every inquest in border-line cases presents new circumstances and creates its difficulties, but it is a wise rule, in directing the jury, to observe the criminal dictum that where there is a reasonable doubt as to the facts amounting to manslaughter, the verdict should be one of misadventure, or an open verdict.

The Open Verdict.

Where it is obvious from the evidence that death did not result from natural causes but from unnatural or unknown causes, an open verdict should be returned. An unnatural cause would be by drowning. There may be no evidence as to how the deceased got into the water, no evidence pointing to suicide. The cause is unknown. The verdict will be " death by drowning, but that there is no sufficient evidence to prove how the deceased got into the water." A dead body may be found on the highway bearing injuries which lead the medical witness to say that he was run over by a vehicle concerning which no evidence can be obtained. Or the evidence may show that the injuries were from stabbing or wounding and evidence is wanting to show the person causing the injuries. In other cases, the analysis or post-mortem may show death from poisoning. Was the poison self-administered, or administered inadvertently, or with intent to kill or to stupefy? In all these and similar cases, even although the cause of death is known, if the agent of death or the author or form of the violence is unknown an open verdict should be returned. The same course may with advantage be followed sometimes in cases of " overlaying " infants where the parents have had the child in bed and gone to rest the worse for drink or the circumstances show callous disregard of human life.

An open verdict in all these cases has the advantage of leaving a clear field for the police to prosecute further enquiries.

Where a verdict is " open " by reason of the fact that the deceased is unknown, every care should be taken of property found on the body, part of the clothing retained together with any buttons and other " clues " as to identity. The face may be photographed and an anatomical survey made of the body.

Deaths which must be Reported to the Coroner and/or to a Government Department.

Not all deaths need to be reported to the Coroner. Deaths from natural causes need not be reported. The term "natural causes" does not include death from certain industrial diseases. Apart from deaths from violence, many deaths are made reportable either to the Coroner or a Government Department by statute. The following list is believed to be exhaustive: Unnatural causes, including homicide (murder, manslaughter, infanticide, justifiable homicide, misadventure), causes unknown, sudden deaths, deaths from industrial diseases or accident, and stillborns. A list of the industrial diseases and accidents may usefully be given:

Coal Mines Accidents. Coal mines include mines of coal, stratified iron-stone, shale or fireclay, and the private railway lines and sidings used in connection therewith (Coal Mines Act, 1911).

Metalliferous Mines Accidents. Under the term "metalliferous mines" all mines other than coal, stratified iron-stone, shale or fireclay are included. It also includes the private lines and sidings (Metalliferous Mines Regulation Act, 1872).

Quarry Accidents. A "quarry" is every place (not being a mine) in which persons work in getting slate, stone, coprolites or other minerals and any part of which is more than 20 feet deep (Quarries Act, 1894).

Factories and Workshops Accidents. The terms "factory" and "workshop" include factories and workshops as defined by section 149 and Schedule VI of the Factory Act, 1901, and section 1 of the Factory Act, 1907; also all docks, wharves and quays, and all machinery used in loading and unloading and coaling ships in any docks, harbour or canal, all warehouses, all premises where mechanical power is used to aid the construction of buildings or any structural work in connection with the building, and all private railway lines and sidings used in connection with any of the above premises (sections 104, 105 and 106 of the Factory Act, 1901).

Explosives. Where death caused by the explosion of any explosive or by any accident in connection with an

explosive (Explosives Act, 1875, and Factory and Workshops Acts).

Petroleum. Accidents connected with petroleum spirit.

Railway Accidents (Railway Regulation Act, 1873).

Accidents Occurring in any of the following Employments. Construction, use, working or repair of any railway, tramroad, tramway, canal, bridge, tunnel, or other work authorised by any local or personal Act of Parliament; or the use or working of any traction engine or other engine or machine worked by steam in the open air (see unrepealed portions of Schedule to Notice of Accidents Act, 1894).

Accidents arising out of or in the course of air navigation which occur in or over the British Isles (Air Navigation (Investigation of Accidents) Regulations, 1922; S. R. & O., 1922, 650).

Boiler Explosions (Boiler Explosions Acts, 1882 and 1890).

Industrial Diseases. See Factory and Workshops Act, 1901, s. 73 (3), and Special Orders made under s. 73 (4) and Rule 75 of Statutory Rules and Orders, 1927 (No. 485), made under the Births and Deaths Registration Act, 1925. These are cases of death arising from

anthrax,
compressed air disease,
glanders,
industrial diseases of the lungs (e.g. silicosis),
poisoning from aniline, arsenic, carbon bisulphide, carbon monoxide, mercury, tetrachlorethane, trinitrotoluene, benzine, lead; epitheliomatous ulceration (due to tar, pitch, bitumen, mineral oil, or paraffin);
food poisoning and alcoholic poisoning.

Deaths in the following Circumstances or Places:

of lunatics in any licensed house or hospital for lunatics in any county or borough lunatic asylum or Poor Law Institution (53 & 54 Vic. c. 5 and L. G. Order, November 3, 1900);
deaths in prison (31 & 32 Vic. c. 24);
death of habitual drunkard detained in a retreat licensed under Habitual Drunkards Act, 1879;
death after an operation necessitated by injury, or occurring under an operation or before recovery from the effects of an anæsthetic;

death where deceased was not seen 14 days before or after death by the certifying medical practitioner;
alleged stillborns if the Registrar has any reason to believe child was born alive (Statutory Rules and Orders of 1927);
deaths of children under 7 years of age in the custody of any person for reward (Children Act, 1908).

In all these cases the Registrar must report to the Coroner.

In many cases the Coroner must notify the fact that he will hold an inquest to one of the Government Departments. These provisions apply to accidents in coal and metalliferous mines, quarries, factories, workshops, on railways, from explosives, within the provisions of the Petroleum Act, 1926, arising out of air navigation, arising out of constructional works, deaths from the specified industrial diseases.

The notice of inquest should be given at the earliest possible moment, so that the inspector concerned may have time in which to view the *locus in quo*. The notice should be a four-day notice.

In mining or quarry cases if an inspector is present the inquest may proceed to completion. It will not be necessary to adjourn, even where the inspector is not present, in cases where the accident has occasioned the death of one person only, provided of course that notice has been given, and the jury think it unnecessary to adjourn for his attendance.

In other cases the inquest must be adjourned to allow the inspector an opportunity of attending, a four-day notice being given. Where the inspector does not attend the Coroner should send to him a report of any neglect which caused or contributed to the accident, or of any defect which appears to require a remedy.

The inspector has the right to examine witnesses.

In coal mine, quarry, and factory and workshop cases relatives of the deceased, persons appointed by fellow-workers, the owner, agent or manager, or occupier may in person or by counsel, solicitor or agent examine witnesses. In coal mine cases the same privilege is extended to the fireman, examiner, or deputy of the district, to persons appointed by a union of employees or employer.

The Coroner has the right to disallow any question not relevant or otherwise improper.

In the course of the 1926 Act through Parliament an undertaking was given by the Secretary of State that he would urge Coroners in all cases to allow representatives of all unions to attend and represent the interests of members concerned. The Secretary of State also advises that a medical practitioner representing the relatives of a deceased workman should be allowed to be present at a post-mortem examination directed by the Coroner.

Persons employed in or having an interest in a mine or quarry where a fatal accident has occurred are disqualified from sitting on a Coroner's jury.

In practically all the foregoing cases a jury must be summoned.

For more detailed information on deaths from industrial accident or disease the reader is referred to the Home Office Circular issued to Coroners dated May 9, 1927, reference No. 439,053/9.

Custody of Property in Connection with an Inquest.

The following is an extract from a Home Office Circular of November 30, 1925 (reference No. 437062/11), dealing with this matter:

> 2. The Law Officers advised that a Coroner or his officer is justified in searching, not only the body, but the effects of the deceased, and the premises where the body is found, if there is reason to think that the search is likely to lead to the discovery of evidence bearing on the cause of death. As a rule, the search should be with reference to questions likely to arise at the inquest, and not a roving investigation. Possession should not be taken of property, other than that which is likely to be required for the purposes of the investigation, unless there is no trustworthy person in whose charge it can be left, but if no such person is available, it is a convenient course for the Coroner's Officer to take possession of the property, though this is not strictly any part of his duty.
>
> 3. A Coroner is empowered to authorise the burial of the body (see sub-section 6 of section 18 of the Coroners Act, 1887; Births and Deaths Registration Act, 1874, section 17; Burial Act, 1880, section 11), but the burial and the administration of the estate should, in strictness, be carried out by the representative of the deceased. It is

no doubt convenient that, when there is no such person, this should be carried out by the Coroner's Officer, but he has no legal authority and some risk is inseparable from the assumption of such authority.

4. A Coroner, as such, has no right to the money or property of the deceased. If he has reason to believe that the deceased has no relatives, or that they cannot be found, he should communicate with the Treasury Solicitor, who can take action in the matter under the Treasury Solicitor Act, 1876.

5. In all cases the Coroner must act reasonably and should not take possession of property unless he thinks that there is risk of its being lost.

6. Where property has come into the possession of a Coroner or his officer, he should not part with it until he is satisfied by reasonable evidence that the persons claiming it have a right to its possession. He parts with it at his own risk, and if he feels any doubt should not do so unless ordered by a competent Court.

7. A Coroner should not part with documents which have been put in evidence at an inquest until it is clear that they are not likely to be required elsewhere. If the documents are of value or importance, the safe course would be for him to decline to part with them unless he is ordered by some Court to do so; and in cases of doubt he should be careful to retain accurate and examined copies: but much must depend upon the nature of the documents.

8. As regards articles which have been produced in evidence as being the instruments which caused death, or as otherwise material to the inquiry, the Law Officers could lay down no general rule, but advised that the manner of dealing with them must depend upon the circumstances of the individual case.

Removal of a Body out of England.

Section 4 of the Births and Deaths Registration Act, 1926, provides that:

> "The body of a deceased person shall not be removed "out of England until the expiration of the prescribed "period after notice of the removal has been given to the "Coroner within whose jurisdiction the body is lying or "otherwise than in accordance with such procedure as may

" be prescribed, and any person contravening the provisions " of this section shall be liable on summary conviction to a " fine not exceeding ten pounds."

" England " in the section above quoted includes Wales. A body may not therefore be removed from England or Wales to any place out of England and Wales until notice has been given to the Coroner and the prescribed period has elapsed.

Notice must be given on the prescribed form. On receipt of such notice the Coroner will send an acknowledgment, stating the date when he received the notice. Regulations made by the Minister of Health with the concurrence of the Home Secretary provide that :

" The body shall not be removed out of England before " the expiration of a period of four clear days after the day " on which notice of intention to remove the body was " received by the Coroner :

" Provided that where the Coroner states in his acknow- " ledgment of the receipt of the notice that he does not " intend to hold an inquest, the body may be removed at " any time after the acknowledgment has been received by " the person to whom it is addressed, notwithstanding that " the said period of four clear days has not expired."

A Home Office Circular of June 7, 1927, says :

" If during the four days the Coroner has not decided " to hold an inquest or not, and the person concerned " removes the body after the four clear days have expired, " there will be no offence under the Act, but if the removal " is not in good faith and is effected with a view to preventing " the holding of an inquest, it will be possible to proceed " for the common law misdemeanour."

In any case of urgency, therefore, where the parties would prefer not to wait the full period of four clear days, they may be enabled to remove the body earlier if, by personal attendance upon the Coroner or otherwise and by furnishing him with all the information which he may require, they are able to satisfy him forthwith that an inquest is unnecessary.

Prescribed Form of Notice.

To the Coroner for .....
.....

(*Here state name of the Borough or County* (*and District, if any, of the County*).)

I/We.....
of (*full postal address*) .....
.....
in pursuance of Section 4 of the Births and Deaths Registration Act, 1926, hereby give you notice that I/we intend to remove out of England the body, now lying within your jurisdiction at .....
.....

(*Here state address or place where the body is lying*)
of .....deceased, who
died at .....
on.....

(*a*) and I/we deliver herewith the certificate given by the Registrar of Births and Deaths that he has registered the death of the deceased.

(*a*) *The foregoing paragraph should be crossed out if the death took place out of England or Wales. In such a case the person giving notice is advised to give an explanation in the space below of the circumstances in which the body has been brought into England or Wales and is now intended to be removed.*

(*b*) You are requested to send your acknowledgment of this Notice to :—

(Name).....
Full Postal Address .....
.....

(*b*) *The foregoing particulars are to be given only where the person giving notice desires the Coroner's acknowledgment to be sent to some other person. Otherwise, the paragraph should be left blank.*

Signature of Person giving notice .....
Date.....

NOTE.—This Form of Notice, when filled up, must be delivered, by the person giving notice, to the Coroner for the Borough or County (or District, if any, of the County) in which the body is lying. The prescribed period which

violent, but it is obvious that no criminal proceedings will be instituted by reason of the absence of any suspicious circumstances, and also in cases of misadventure where negligence is not alleged, the Coroner will consider whether to proceed to the extreme course of disinterment or not. In coming to a conclusion he will have regard to the length of time which has elapsed since the burial. Seven months has been held too long (*R.* v. *Clerk* (1701), 1 Salk. 377), while in other cases fourteen days has been said to be a reasonable period. In poisoning cases there has been exhumation after a lapse of five years (*R.* v. *Klosowski*) and the body was described by the medical witness as remarkably well preserved.

The Duty of Medical Practitioners to Certify Cause of Death.

The medical profession from time to time experience difficulty in deciding when a death certificate should be issued. This subject is dealt with in a Home Office Circular of June 28, 1927, as follows:

> The Secretary of State has had his attention drawn from time to time to cases in which it appeared that some Coroners and some Practitioners are under the impression that if a death may possibly be the subject of an inquest, the Practitioner should not give a certificate of the cause of death, but it does not appear that the Practitioner in such circumstances is in any way relieved from his duty to give a medical certificate in such circumstances if he regards himself as competent to do so. He is, of course, required to certify the cause of death to the best of his knowledge and belief; and if he is in such doubt as to the cause of death that he is unable to certify any cause to the best of his knowledge and belief, he should not give a certificate. But apart from this exceptional case his duty is unqualified; and he should not refrain from giving a certificate because he has reported the death to the Coroner or believes that the case will be reported to the Coroner or that an inquest may take place.
>
> If the Practitioner has any reason to believe that an inquest may be necessary, it is of course his common law duty, as one of those about the deceased, to inform the Coroner, or his officer, or the police, but this does not of itself relieve him of his other duty of certifying the cause of death.

The Medical Profession and Professional Privilege.

From time to time medical witnesses called before the Court feel themselves in difficulties as to how far they are entitled or compellable to go in giving evidence concerning the general health of a deceased person, or as to special diseases from which he was suffering, or as to certain facts disclosed by an examination of the deceased person made prior to inquest, and without the direction of the Coroner. The observations of McCARDIE, J., at the Birmingham Assizes (see *The Times*, July 19, 1927) upon this subject deserve the consideration of the medical profession and of Coroners. He is reported to have said:

> " that the medical profession normally was under the duty
> " of keeping inviolate the secret knowledge that they might
> " gain from treating their patients, and indeed might become
> " liable in a civil action for damages if, without lawful
> " excuse, the duty of confidence was broken; but in a
> " Court of Law a doctor had no privilege similar to that of
> " a solicitor or other legal adviser, and he was not privileged
> " from compulsory disclosure of communications however
> " confidential. A further point arose in the case as to
> " whether the doctors were in a specially privileged position
> " owing to the fact that they were acting in a department
> " under the control of the Ministry of Health, through the
> " local committee. In his view there was nothing in the
> " regulations, or in any regulations he had heard of, which
> " saved the doctor from the obligation of disclosing, if
> " ordered to do so by the Court, all the information he
> " might have of the facts he had gained while acting under
> " the regulations."

Earlier in the case the Judge had intimated that if the documents required were not produced by the doctor, he would commit for contempt.

Outlawry.

Outlawry is only pronounced in criminal proceedings and is obsolete in practice. By the Civil Procedure Acts Repeal Act, 1879 (42 & 43 Vic. c. 39), it was abolished in civil matters. Where process of outlawry has been issued and carried to judgment, it is the duty of the Coroner to attend at the final Court and pronounce judgment of outlawry against the defendant in default.

The sentence of outlawry has not been pronounced since 1855.

In treason or felony cases outlawry operates as a conviction, a forfeiture of personal property and of the profits of real property. Practically the only civil right which survives is that of sitting in the House of Commons.

A man is "outlawed"; a woman is "waived."

The subject is only of historical interest.

Newspaper Reports of Inquests.

A Coroner's Court is a Court exercising or possessing judicial authority (*Thomas* v. *Churton*, 2 B. & S. 475). By the Law of Libel Amendment Act, 1888 (51 & 52 Vic. c. 64), a fair and accurate report of proceedings in any Court exercising judicial authority, publicly heard, is privileged if the publication is contemporaneous with the proceedings. If the Coroner decides to take an inquest *in camera* in whole or in part any evidence given privately may not be published.

Taking Photographs in Court.

By the Criminal Justice Act, 1925 (15 & 16 Geo. 5, c. 86), it is made an offence for any person to take or attempt to take in any Court, including the Court of a Coroner, any photograph, or with a view to publication make or attempt to make in any Court any portrait or sketch of any person being a Judge of the Court or a juror or a witness in or a party to any proceedings before the Court; or to publish any photograph, portrait, or sketch taken or made in contravention of the foregoing provision, or any reproduction thereof. The expression "Judge" includes a Coroner. The photograph, portrait, or sketch shall be deemed to have been taken or made in the Court if taken or made in the Court-room, or in the buildings, or in the precincts of the building in which the Court is held, or taken or made of a person while entering or leaving the Court-room, or such buildings, or the precincts.

Place of Holding the Court.

By the Licensing Consolidation Act, 1910, section 83, no inquest shall be held on licensed premises where other

suitable premises have been provided for the inquest. This restriction applies to such parts of the licensed premises as are not licensed. There appears to be no reason against holding a Court in the open air should necessity occasion.

Sunday.

A Coroner may perform all ministerial acts on a Sunday, including the issue of the warrant for inquest, but may not perform any of his judicial duties on that day, e.g. viewing the body, opening or holding an inquest. All such judicial acts would be void (2 Saund. 290).

Treasure Trove.

The Treasury by Circular dated June 3, 1925, modified their regulations with regard to the disposal of articles of Treasure Trove. The material parts of the Circular are as follows:

> **3.** Their Lordships will, as a general rule, return to the finders of coins, ornaments or other objects constituting Treasure Trove, who fully and promptly report their discoveries and hand over the Treasure to the proper authorities, the coins and other objects which are not actually required for national or other institutions or societies recognised by the Treasury as appropriate recipients of the Treasure in question, and will pay to such finders the sums received from the institutions or societies as the antiquarian value of the coins or objects sold to them, subject to the payment or deduction as the case may be of a percentage at the rate of 20 per cent. on or from the antiquarian value of all the objects discovered.
>
> **4.** This arrangement is not to be regarded as giving rise to any legal claim by or on behalf of the finders or others, and the complete rights of the Crown, as established by Law, to or in all articles of Treasure Trove are preserved.
>
> **5.** The Secretary of State will be glad if you will make this alteration in practice generally known, more especially to Pawnbrokers and other similar dealers within the area of your Force.

Censure by Coroners.

The following is taken from the Home Office Circular of April 30, 1917 (504384/19):

> Coroners sometimes find occasion, when the circumstances do not warrant a finding of gross and culpable

negligence, in respect of the conduct of a person, to comment upon that conduct as it appears to be disclosed during the inquest. No court could be advised by the Executive to refrain from such comment, but as the Secretary of State in the past has been pressed to propose the making of a rule on the subject, he may say that where it is possible to secure the attendance of a person whose conduct appears to be in question, it is desirable that his presence should be secured before censure is passed, and that he should be afforded a reasonable opportunity of making any relevant explanation. It need hardly be added that there is special need for care, before publicly making adverse comments, if the person concerned is likely to suffer thereby in his profession or calling.

The London Traffic Act, 1924.

By section 12, sub-section 2, of the London Traffic Act, 1924, it is provided that where an accident occurs within the London traffic area, resulting in the death of any person, and it is alleged that the accident was due to the nature or character of any road surface, or to a defect in the design or construction of any vehicle or in the materials used in the construction of any road or vehicle, the Coroner holding enquiry into the cause of death is required to send to the Minister of Transport, or to such officer of the Ministry as the Minister may direct, notice of the time and place of holding the inquest or any adjournment thereof, and any officer appointed by the Minister may attend the inquest and examine any witness. The form of the required notice is given in the Appendix. The Act continues in force until December 1, 1928.

The "London traffic area" includes practically the whole of the Metropolitan Police area, together with certain populous places near to but outside the boundary, as set out in the First Schedule to the Act.

The Public Health.

From time to time deaths will occur which raise questions of public health, e.g. infectious cases, and cases of poisoning from food and other articles of human consumption. It is important in such cases that the Coroner should communicate with the Medical Officer of Health for the district in which death has occurred.

In infectious diseases early notification may be the means of staying the course of infection and so saving valuable lives.

In food and other allied poisoning cases an analysis of the stomach contents and other parts of the body will disclose the fact of poisoning and the poison present, but if the death is the result of bacteriological poisoning the analysis will most probably have a negative result.

In a Home Office Circular on this matter the following is taken from the report of the Medical Officer of Local Government Board :

> " If the cause of death has been bacterial food poisoning, it
> " is unlikely that any light will be thrown on the occurrence
> " by an analysis of this kind [i.e. a chemical examination
> " by an analyst], and it would be an advantage if arrange-
> " ments were made in cases where the circumstances did
> " not exclude the possibility of food poisoning being the
> " cause of death, for a joint examination to be made by an
> " analyst and a competent bacteriologist."

In the same Circular the Secretary of State urges that whenever a case of this kind occurs the Coroner should without delay give notice of it to the Medical Officer for the district, in order that he may at once institute such enquiry as the circumstances render desirable. The Medical Officer of Health should be afforded, where possible, an opportunity for having bacteriological examination made of post-mortem materials and of food materials suspected of being associated with the illness.

The report of the Coroner's Officer will probably suggest a mystery, and if food or allied poisoning is suspected, enquiry should be set on foot at once as to the food consumed by the patient, the history of the food traced, and samples obtained.

APPENDIX.

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APPENDIX.

THE INDICTABLE OFFENCES (CORONERS) RULES, 1927. DATED APRIL 27, 1927.

Statutory Rules and Orders of 1927 (*No.* 346) *L.* 15.

I, George Viscount Cave, Lord High Chancellor of Great Britain, hereby, in pursuance of Section 25 of the Coroners (Amendment) Act, 1926, make the following Rules.

1. These Rules may be cited as the Indictable Offences (Coroners) Rules, 1927.

2. These Rules shall come into force on the 1st day of May, 1927.

3. Sections 13 and 14 of the Criminal Justice Act, 1925, as set out with modifications in the First Schedule to these Rules, shall apply to proceedings in the case of persons charged by a Coroner's Inquisition with murder, manslaughter, or infanticide.

4. The Coroner by whom a person charged with murder, manslaughter, or infanticide is committed for trial shall endorse upon the warrant of commitment a notice stating the Court at which the person bound over to prosecute is bound over to appear.

5. When a witness has been bound over, conditionally or otherwise, to appear at the Court of Trial of a person charged with murder, manslaughter, or infanticide, but that person is not eventually charged by the Inquisition, notice in writing shall be given to such witness forthwith informing him that the person has not been charged by the Inquisition and that consequently the witness is not required to appear at the Court of Trial in pursuance of the recognizance.

6. When a witness has been bound over, conditionally or otherwise, to appear at the Court of Trial of a person charged with murder, manslaughter, or infanticide, and the Coroner subsequently commits that person for trial at a Court other than the Court at which the witness has been bound over to appear, notice in writing to that effect shall be given forthwith to such witness.

7. When a witness has been bound over to appear at the Court of Trial of a person charged with murder, manslaughter, or infanticide, and the Coroner subsequently directs that such witness shall be treated as having been bound over to attend the trial conditionally, notice in writing to that effect shall be given forthwith to such witness.

8. Any notice in writing required by Rules 5, 6 and 7 to be given to a witness shall be signed by the Coroner and shall be served in the manner applicable to a witness summons.

9.—(1) When a witness has been bound over to attend the trial conditionally upon notice being given him or is to be treated as

having been so bound over in accordance with subsection (1) of section 13 of the Criminal Justice Act, 1925, as set out with modifications in the First Schedule to these Rules, and notice is subsequently given to the Coroner by, or on behalf of, the prosecutor or the person committed for trial that the attendance of such witness at the trial is required, the Coroner shall forthwith issue a notice in writing that such witness is required to appear at the Court of Trial in pursuance of his recognizance, and cause it to be served upon such witness in the manner applicable to a witness summons, or, if time does not so permit, notice may be given to such witness in such way as the circumstances may render expedient.

(2) When a Coroner issues such notice at the instance of the prosecutor, he shall inform the person committed for trial thereof; and when he issues it at the instance of the person committed for trial, he shall inform the prosecutor thereof.

10.—(1) A statement containing the names, addresses and occupations of any witnesses who have been, or are to be treated as having been, bound over to attend the trial conditionally, shall be transmitted to the Clerk of Assize with the depositions, and a copy of the statement shall be retained by the Coroner.

(2) In any such statement the Coroner shall distinguish the names of the witnesses, if any, to whom notice has been issued by him requiring them to attend the trial and shall state the date of such notice; and if any such notice is issued after the statement has been so transmitted, the Coroner shall send notice thereof to the Clerk of Assize.

11. The forms in the Second Schedule to these Rules, or forms to the like effect, may be used with such variations as circumstances may render expedient.

12. Where under section 20 (5) of the Coroners (Amendment) Act, 1926, a Clerk to examining Justices informs a Coroner of the making of a charge of murder, manslaughter, or infanticide against a person before examining Justices, the Coroner shall inform the Clerk whether he has begun the inquest, and whether he has adjourned it and if so, to what date, or whether he has completed the inquest and committed any person for trial and if so, to what Court.

13. Where a Coroner under section 20 (1) of the Coroners (Amendment) Act, 1926, adjourns an inquest until after the conclusion of criminal proceedings and is informed by the Clerk to examining Justices that a person has been committed for trial for murder, manslaughter, or infanticide, the Coroner shall inform the Clerk of Assize of the Court at which the trial is to be of such adjournment, and if the Coroner is subsequently informed that the trial is to be at some other Court, he shall also inform the Clerk of Assize of that other Court.

14.—(1) An inquisition may be on parchment or durable paper, and may be either written or printed, or partly written and partly printed.

(2) Each sheet on which an inquisition is set out shall be not more than 12 and not less than 6 inches in length and not more than 14 and not less than 12 inches in width, and if more than one sheet is required, the sheets shall be fastened together in book form.

(3) A proper margin not less than 3 inches in width shall be kept on the left-hand side of each sheet.

(4) Figures and abbreviations may be used in an inquisition for expressing anything which is commonly expressed thereby.

(5) An inquisition shall not be open to objection by reason only of any failure to comply with this rule.

15. Any offence charged in a Coroner's Inquisition shall be stated in accordance with the form relating thereto contained in the Third Schedule to these Rules.

16. It shall be the duty of the Clerk of Assize to supply on request free of charge to a person committed for trial on a Coroner's Inquisition a copy of so much of the Inquisition as charges him with an offence, and the cost of such copy shall be treated as part of the costs of the prosecution for the purpose of section one of the Costs in Criminal Cases Act, 1908.

17. Rules 3, 4 (1) (2) (3) (4) and (6), 5, 7, 8 and 9, of the Rules in the First Schedule to the Indictments Act, 1915, shall apply to Coroners' Inquisitions as if reference to "an inquisition" therein were substituted for reference to "an indictment."

18. The Interpretation Act, 1889, applies for the interpretation of these rules as it applies for the interpretation of an Act of Parliament.

Dated this 27th day of April, 1927.

Cave.

FIRST SCHEDULE.

Sections 13 & 14 of the Criminal Justice Act, 1925, set out with Modifications.

13. **Binding over of Witnesses conditionally and Reading of Depositions at Trial.**—(1) Where any person charged by a Coroner's Inquisition with murder, manslaughter, or infanticide is committed for trial and it appears to the Coroner, after taking into account anything which may be said with reference thereto by the person charged or the person bound over to prosecute (hereinafter referred to as the prosecutor), that the attendance at the trial of any witness who has been examined before him is unnecessary by reason of anything contained in any statement by the person charged or of the evidence of the witness being merely of a formal nature, the Coroner shall, if the witness has not already been bound over, bind him over to attend the trial conditionally upon notice given to him and not otherwise, or shall, if the witness has already been bound over, direct that he shall be treated as having been bound over to attend only conditionally as aforesaid, and shall transmit to the court of trial a statement in writing of the names, addresses and occupations of the witnesses who are, or who are to be treated as having been bound over to attend the trial conditionally.

(2) Where a witness has been, or is to be treated as having been bound over conditionally to attend the trial, the prosecutor or the person committed for trial may give notice at any time before the opening of the assizes to the Coroner and at any time thereafter to the clerk of assize that he desires the witness to attend at the trial,

and any such Coroner or clerk to whom any such notice is given shall forthwith notify the witness that he is required so to attend in pursuance of his recognizance.

The Coroner shall on committing the person charged for trial inform him of his right to require the attendance at the trial of any such witness as aforesaid, and of the steps which he must take for the purpose of enforcing such attendance.

(3) Any documents or articles produced in evidence before the Coroner by any witness whose attendance at the trial is stated to be unnecessary in accordance with the provisions of this section and marked as exhibits shall, subject to the provisions of section five of the Prosecution of Offences Act, 1879 (which relates to delivery of documents to the Director of Public Prosecutions), and unless in any particular case the Coroner otherwise order, be retained by the Coroner and forwarded with the depositions to the court of trial.

14. **Power of Justices to commit to, and of Court to direct re-trial at, convenient Assizes or Quarter Sessions.**—(1) Where a Coroner's Inquisition charges any person with murder, manslaughter, or infanticide, the Coroner may, instead of committing him to be tried at the assizes for a place to which but for this section he might have been committed, commit him to be tried at the assizes for some other place if it appears to him, having regard to the time when and the place where the last-mentioned assizes are to be held, to be more convenient to commit the person charged to those assizes with a view either to expediting his trial or saving expense:

Provided that—

(*a*) in any case in which it appears to the Coroner likely that the person charged will be committed by examining justices to any assizes, the Coroner shall commit him to the assizes at which it appears likely that he will be so committed; and

(*b*) the power given by this subsection shall not be exercised in any case in which the person charged satisfies the Coroner that he would, if the power were exercised, suffer hardship.

(2) Where a person is to be tried by any court by which he could not have been tried but for the foregoing provisions of this section, any costs payable in the case under the Costs in Criminal Cases Act, 1908, shall in the first instance be paid in the same manner as if the offence had been committed in the county or borough in which the offender is tried, but shall be recoverable by the treasurer of that county or borough from the treasurer of the county or borough in which the offence was committed.

SECOND SCHEDULE.

1.

Recognizance to Prosecute or Appear for Trial.

TO WIT. {Be it remembered that on the day of 19 , the following person, namely, *J.K.* of personally came before me, *J.S.*, one of the coroners of our Lord the King for the county [*or as the case*

may be] of and acknowledged to owe to our Sovereign Lord the King the sum of pounds to be levied on his goods and lands by way of recognizance to His Majesty's use if default is made on his part in the condition following :—

Condition to prosecute [*and give evidence*] *at assizes.*

The condition of the within written recognizance is such that whereas one *A.B.* (hereinafter called " the accused ") was this day charged by inquisition taken before me, *J.S.*, Coroner for the county [*or as the case may be*] of , with

If, therefore, the said *J.K.* shall appear at the next court of assize to be holden for the *county* of and there prosecute [and give evidence to the jury that try] the accused upon the said inquisition,

Then the said recognizance to be void or else to stand in full force and virtue.

Condition to appear for trial.

The condition of the within written recognizance is such that whereas one *A.B.* (hereinafter called " the accused ") was this day charged by inquisition taken before me, *J.S.*, Coroner for the county [*or as the case may be*] of , with

If, therefore, the said *A.B.* shall appear at the next court of assize to be holden for the *county* of at and there surrender himself into the custody of the keeper of a gaol in which prisoners committed for trial at that assize are detained and plead to the said inquisition and take his trial upon that inquisition,

Then the said recognizance to be void or else to stand in full force and virtue.

Taken and acknowledged the day and year first above mentioned at before me

J.S.

Coroner for the *County* [or as the case may be] of .

2.

RECOGNIZANCE TO GIVE EVIDENCE.

TO WIT. { Be it remembered that on the day of , 19 , each of the following persons, namely, *J.K.* of and *R.S.* of [*insert the names of all bound over*] personally came before me, *J.S.*, one of the Coroners of our Lord the King for the county [*or as the case may be*] of , and severally acknowledged to owe to our Sovereign Lord the King the sum of pounds to be levied on his goods and lands by way of recognizance to His Majesty's use if default is made on his part [*or*, on the part of *J.K.*] in the conditions following :—

Condition to give evidence.

The condition of the within written recognizance is such that whereas one *A.B.* (hereinafter called " the accused ") was this day

charged by inquisition taken before me, *J.S.*, Coroner for the county [*or as the case may be*] of with

If, therefore, the said *J.K.* shall appear at the next Court of assize to be holden for the *county* of and there give evidence to the jury that try the accused upon the said inquisition,

And if the said *J.K.* shall in all respects comply with the requirements of any notice which *he* may subsequently receive relating to the within written recognizance,

Then the said recognizance to be void, or else to stand in full force and virtue.

Condition to give evidence conditionally upon notice being received.

Same as in the last form and then : If therefore the said *J.K.* shall receive notice to appear at the next Court of assize to be holden for the *county* of or at such other Court as he may be directed,

And if he shall duly appear thereat and shall there give evidence to the jury that try the accused upon the said inquisition,

Then the said recognizance to be void, or else to stand in full force and virtue.

Taken and acknowledged the day and year first above mentioned at before me

J.S.
Coroner for the *County* [or as the case may be] of .

3.

NOTICE OF THE RECOGNIZANCE TO BE GIVEN TO THE PROSECUTOR OR TO THE WITNESSES BOUND OVER TO GIVE EVIDENCE.

TO WIT. { TAKE NOTICE, that you *J.K.* of are bound in the sum of to appear at the next Court of assize for the *county* of , to be holden at , in the said *county*, and then and there to *prosecute* and give evidence *against A.B.*; and unless you then appear there and *prosecute and* give evidence accordingly and *unless you comply in all respects with the requirements of any notice you may receive relating to the said recognizance*, the said recognizance entered into by you will be forthwith levied on you.

DATED this day of 19 .

J.S.
Coroner for the *County* [or as the case may be] of .

4.

NOTICE OF THE RECOGNIZANCE TO BE GIVEN TO THE WITNESSES BOUND OVER TO GIVE EVIDENCE CONDITIONALLY UPON NOTICE BEING RECEIVED.

TO WIT. { TAKE NOTICE, that you *J.K.* of are bound in the sum of to appear, upon notice being given to you, at the next Court of assize for the *county*

of , to be holden at , in the said *county*, and then and there to give evidence *against A.B.*; and unless you comply in all respects with the requirements of any notice you may receive relating to the said recognizance and duly appear at such Court as you may be directed therein and give evidence accordingly, the said recognizance entered into by you will be forthwith levied on you.

DATED this day of 19 .

J.S.
Coroner for the *County* [or as the case may be] of .

5.

NOTICE TO BE GIVEN TO A WITNESS BOUND OVER TO GIVE EVIDENCE, CONDITIONALLY OR OTHERWISE, THAT A PERSON HAS NOT BEEN CHARGED BY THE INQUISITION.

TO WIT. { Whereas you *J.K.* of were on the day of 19 , bound in the sum of to appear *upon notice being given to you* at the next Court of assize for the *county* of , to be holden at , in the said *county*, to give evidence *against A.B.*:

THIS IS TO GIVE YOU NOTICE that the said *A.B.* was not charged by the Inquisition and that consequently YOU are NOT required to appear at the said Court in pursuance of the said recognizance.

DATED this day of 19 .

J.S.
Coroner for the *County* [or as the case may be] of .

6.

NOTICE TO BE GIVEN TO A WITNESS BOUND OVER TO GIVE EVIDENCE DIRECTING HIM TO APPEAR AT SOME OTHER COURT THAN THAT SPECIFIED IN HIS RECOGNIZANCE.

TO WIT. { Whereas you *J.K.* of were on the day of 19 , bound over in the sum of to appear at the next Court of assize for the *county* of to be holden at in the *county* of , or at such other Court as you should be directed, to give evidence *against A.B.*:

THIS IS TO GIVE YOU NOTICE that you are no longer required to attend the above-mentioned Court at but YOU are hereby directed and required to appear at the next Court of assize for the *county* of , to be holden at , in the *county* of ; and that unless you so appear and then and there give evidence, the said recognizance entered into by you will be forthwith levied on you.

DATED this day of 19 .

J.S.
Coroner for the *County* [or as the case may be] of .

7.

NOTICE TO BE GIVEN TO A WITNESS BOUND OVER TO GIVE EVIDENCE CONDITIONALLY, INFORMING HIM THAT THE ACCUSED HAS BEEN COMMITTED FOR TRIAL AT A COURT OTHER THAN THAT SPECIFIED IN HIS RECOGNIZANCE.

TO WIT. { Whereas you *J.K.* of were on the day of 19 , bound over in the sum of to appear upon notice being given you, at the next Court of assize for the *county* of to be holden at , in the *county* of or at such other Court as you should be directed, to give evidence *against A.B.* (hereinafter called the Accused);

And Whereas the Accused has since been committed for trial at the next Court of assize for the *county* of to be holden at :

THIS IS TO GIVE YOU NOTICE that you will not be required to appear at the first above-mentioned Court, but that you may receive notice to appear at the Court to which the Accused has been committed for trial. YOU are NOT however required to attend the Court of Trial, unless you should subsequently receive notice directing you to appear thereat.

DATED this day of , 19 .

J.S.
Coroner for the *County* [or as the case may be] of

8.

NOTICE TO BE GIVEN TO A WITNESS BOUND OVER TO GIVE EVIDENCE INFORMING HIM THAT HE HAS BEEN DIRECTED TO BE TREATED AS HAVING BEEN BOUND OVER TO ATTEND THE TRIAL CONDITIONALLY.

TO WIT. { Whereas you *J.K.* of were on the day of 19 , bound over in the sum of to appear at the next Court of assize for the *county* of , or at such other Court as you should be directed, then and there to give evidence *against A.B.* (hereinafter called the Accused);

And Whereas I have [since committed the Accused for trial at the next Court of assize for the *county* of , to be holden at in the county of , and have] directed that you are to be treated as having been bound over to attend the trial conditionally upon notice being given to you:

THIS IS TO GIVE YOU NOTICE that YOU are NOT required to attend the Court of Trial unless you should subsequently receive notice directing you to appear thereat.

DATED this day of , 19 .

J.S.
Coroner for the *County* [or as the case may be] of .

9.

NOTICE TO BE GIVEN TO A WITNESS BOUND OVER TO GIVE EVIDENCE CONDITIONALLY, REQUIRING HIS ATTENDANCE.

TO WIT. {Whereas you *J.K.* of were on the day of 19 , bound over in the sum of to appear, upon notice being given you, at the Court specified in such notice and then and there to give evidence *against A.B.*:

THIS IS TO GIVE YOU NOTICE that YOU are required to appear at the next Court of assize for the *county* of , to be holden at , in the *county* of , and then and there to give evidence accordingly, and that unless you then appear there and give evidence, the said recognizance entered into by you will be forthwith levied on you.

DATED this day of , 19 .

J.S.

Coroner for the *County* [or as the case may be] of .

10.

NOTICE TO BE GIVEN TO A WITNESS WHO HAS BEEN TREATED AS HAVING BEEN BOUND OVER TO GIVE EVIDENCE CONDITIONALLY, REQUIRING HIS ATTENDANCE.

TO WIT. {Whereas you *J.K.* of were on the day of 19 , bound over in the sum of to appear at the next Court of assize for the *county* of , or at such other Court as you should be directed, to give evidence *against A.B.*;

And Whereas notice was subsequently given to you that you would not be required to attend the trial unless you received notice:

THIS IS TO GIVE YOU NOTICE that YOU are required to appear at the next Court of assize for the *county* of , to be holden at in the *county* of , and then and there to give evidence accordingly, and that unless you then appear there and give evidence, the said recognizance entered into by you will be forthwith levied on you.

DATED this day of 19 .

J.S.

Coroner for the *County* [or as the case may be] of .

11.

STATEMENT OF WITNESSES BOUND OVER, OR TREATED AS HAVING BEEN BOUND OVER, CONDITIONALLY.

R. v.

Committed for trial at .

List of Witnesses whose attendance at the trial is stated by me, the undersigned Coroner, to be unnecessary and who have accordingly

been bound over to attend the trial conditionally or have been treated as having been so bound over.

Name.	Address.	Occupation.	If notice to attend has subsequently been issued by the Coroner the date of issue should be stated.

DATED this day of , 19 .

J.S.
Coroner for the *County* [or as the case may be] of .

Notice to attend the trial has been issued by me on the dates above mentioned to those witnesses against whose names a date is inserted in the last column above.

DATED this day of , 19 .

J.S.
Coroner.

12.

ENDORSEMENT UPON WARRANT OF COMMITMENT.

To the Governor of H.M. Prison at .

TAKE NOTICE that the person bound over to prosecute the within named Accused at the trial is bound over to appear at the next Court of assize for the *county* of , to be holden at , in the County of .

J.S.
Coroner for the County [or as the case may be] of .

THIRD SCHEDULE.

FORMS OF STATEMENT OF AND PARTICULARS OF OFFENCES.

1.

Statement of Offence.

Murder.

Particulars of Offence.

A.B., on the day of , in the county of murdered *C.D.*

2.

Statement of Offence.

Manslaughter.

Particulars of Offence.

A.B., on the day of , in the county of unlawfully killed *C.D.*

3.

Statement of Offence.

First Count.

Infanticide contrary to section 1 (1) of the Infanticide Act, 1922.

Particulars of Offence.

A.B., on the day of 19 , in the county of caused the death of her newly-born child by a wilful act, that is to say by stabbing it with a knife, but at the time of the act she had not fully recovered from the effect of giving birth to such child and by reason thereof the balance of her mind was then disturbed.

Statement of Offence.

Second Count.

(Same as First Count.)

Particulars of Offence.

A.B., on the day of 19 , in the county of caused the death of her newly-born child by a wilful omission, that is to say by wilfully neglecting to , but at the time of the omission she had not fully recovered from the effect of giving birth to such child and by reason thereof the balance of her mind was then disturbed.

4.

Statement of Offence.

Obstructing Coroner in the Execution of His Duty.
(Common Law Misdemeanour.)

Particulars of Offence.

A.B. and *G.C.*, on the day of 19 ; in the county of , intending to prevent the Coroner of from holding an inquest in the execution of his duty upon view of the dead body of *C.D.*, who died a violent or an unnatural death or a sudden death of which the cause was unknown, or intending to obstruct the said Coroner in the holding of such inquest, did [bury] the said dead body [in a certain place called Hampstead Heath].

FORMS INCLUDED IN THE STATUTORY RULES AND ORDERS OF 1927, NO. 344, L. 13.

I.

FORM OF DECLARATION OF OFFICE OF CORONER.

I solemnly, sincerely, and truly declare and affirm that I will well and truly serve our Sovereign Lord the King and his liege people in the office of coroner for this county [*or* borough, *or as the case may be*] of , and that I will diligently and truly do everything appertaining to my office after the best of my power for the doing of right, and for the good of the inhabitants within the said county [*or* borough, *or as the case may be*].

2.

FORM OF OATH OF JURY.

I swear by Almighty God that I will diligently inquire and a true presentment make of all such matters and things as are here given me in charge on behalf of our Sovereign Lord the King, touching the death of *C.D.*, now lying dead, and will without fear or favour, affection, or ill-will, a true verdict give according to the evidence and to the best of my skill and knowledge.

3.

FORM OF INQUISITION.

TO WIT. { AN INQUISITION taken for our Sovereign Lord the King at , in the parish of , in the county [*or as the case may be*] of , on the day of , 19 , [and by adjournment on the day of , *or as the case may require*] before *J.S.*, one of the Coroners of our Lord the King for the said [county, *or as the case may be*] upon the oath [*or* and affirmation] of [*in the case of murder, manslaughter or infanticide here insert the names of the jurors*, L.M., N.O., &c. *being*] good and lawful men [and women] of the said [county, *or as the case may be*] duly sworn to inquire for our Lord the King, touching the death of *C.D.* [*or* of a person to the jurors unknown] and upon view of his body [by me]*; and those of the said jurors whose names are hereunto subscribed upon their oaths do say :—

Here set out the circumstances of the death, as, for example :

(*a*) That the said *C.D.* was found dead on the day of in the year aforesaid at in the county of , [*or set out other place of death*] and

(*b*) That the cause of his death was that he was thrown by *A.B.* against the ground, whereby the said *C.D.* had a violent concussion of the brain and instantly died thereof [*or set out other cause of death*].

Here set out the conclusion of the jury as to the death, as, for example :

(*c*) And so do further say that the said *A.B.* on the said day of , 19 , in the county of murdered the said *C.D.*

Or, do further say that the said *A.B.* on the said day of , 19 , in the county of unlawfully killed the said *C.D.*

Or, do further say that the said *A.B.* on the day of , 19 , in the county of by the unlawful and wilful act (or omission) aforesaid caused the death of her newly-born child, but at the time of the act (or omission) she had not fully recovered from the effect of giving birth to such child and by reason thereof the balance of her mind was then disturbed and that she was guilty of infanticide.

Or, do further say that the said *A.B.* by misfortune and against his will did kill the said *C.D.*

Or, do further say that *A.B.* in the defence of himself [and property] did kill the said *C.D.*

* Delete the square brackets if the view was by the coroner only.

In case of there being an accessory before the fact add :

And do further say that *K.L.* on the day of , 19 , did counsel, procure, and command the said *A.B.* to commit the said murder.

At end add :

In witness whereof as well the said coroner as the jurors have hereunto subscribed their hands and seals the day and year first above written.

Another example is :

That the said *C.D.* did on the day of fall into a pond of water situate at , by means whereof he died.

Here set out the conclusion of the jury as to the death, as, for example :

And so do further say that the said *C.D.*, not being of sound mind, did kill himself.

Or, do further say that the said *C.D.* did feloniously kill himself.

Or, do further say that the said *C.D.* by misadventure fell into the said pond and was killed.

Here set out the particulars required by the Registration Acts :

And the jurors aforesaid do further say that the said *C.D.* at the time of his death was a male person of the age of years and a .

4.

FORM OF INQUISITION.

On an Inquest held wholly without a Jury.

TO WIT. {AN INQUISITION taken for our Sovereign Lord the King at , in the parish of , in the county [*or as the case may be*] of , on the day of , 19 , [and by adjournment on the day of , *or as the case may require*] by me *J.S.*, one of the coroners of our Lord the King for the said [county, *or as the case may be*], [on view by me]* of the body of *C.D.* [*or* of a person to me unknown] as to his death and I, the said *J.S.*, do say :—

Here set out the circumstances of the death, as, for example :

(*a*) That the said *C.D.* was found dead on the day of in the year aforesaid at in the county of , [*or set out other place of death*] and

(*b*) That the cause of his death was that he did on the day of fall into a pond of water situate at ; by means whereof he died.

Here set out the conclusion of the coroner as to the death, as, for example :

And so do further say that the said *C.D.*, not being of sound mind, did kill himself.

Or, do further say that the said *C.D.* by misadventure fell into the said pond and was killed.

At end add :

In witness whereof, I, the said *J.S.*, have hereunto subscribed my hand and seal the day and year first above written.

Here set out the particulars required by the Registration Acts :

And I, the said *J.S.*, do further say that the said *C.D.* at the time of his death was a male person of the age of years and a .

* Omit these words if the coroner has not viewed the body for the purposes of the inquest.

5.

FORM OF INQUISITION.

On an Inquest, part of which is held without a Jury.

TO WIT. { AN INQUISITION taken for our Sovereign Lord the King at , in the parish of in the county [*or as the case may be*] of , on the day of , 19 , [and by the adjournment on the day of , *or as the case may require*] by and before me, *J.S.*, one of the coroners of our Lord the King for the said [county, *or as the case may be*], without a jury and afterwards (there having appeared to me to be reason for summoning a jury) upon the day of , 19 , upon the oath [*or* and affirmation] of [*in the case of murder, manslaughter or infanticide here insert the names of the jurors*, L.M., N.O., &c. *being*] good and lawful men of the said [county, *or as the case may be*] duly sworn to inquire for our Lord the King, touching the death of *C.D.* [*or* of a person [to me] to the jurors unknown] and upon view of his body [by me]* and those of the said jurors whose names are hereunto subscribed upon their oaths do say :—

Here set out the circumstances of the death, as, for example :

(*a*) That the said *C.D.* was found dead on the day of in the year aforesaid at in the county of , [*or set out other place of death*] and

(*b*) That the cause of his death was that he was thrown by *A.B.* against the ground, whereby the said *C.D.* had a violent concussion of the brain and instantly died thereof [*or set out other cause of death*].

Here set out the conclusion of the jury as to the death, as, for example :

(*c*) And so do further say that the said *A.B.* on the said day of , 19 , in the county of , murdered the said *C.D.*

Or, do further say that the said *A.B.* on the said day of , 19 , in the county of , unlawfully killed the said *C.D.*

Or, do further say that the said *A.B.* on the day of , 19 , in the county of by the unlawful and wilful act (or omission) aforesaid caused the death of her newly-born child, but at the time of the act (or omission) she had not fully recovered from the effect of giving birth to such child and by reason thereof the balance of her mind was then disturbed and that she was guilty of infanticide.

* Delete the square brackets if the view was by the coroner only.

Or, do further say that the said *A.B.* by misfortune and against his will did kill the said *C.D.*

Or, do further say that *A.B.* in the defence of himself [and property] did kill the said *C.D.*

In the case of there being an accessory before the fact add :

And do further say that *K.L.* on the day of , 19 , did counsel, procure, and command the said *A.B.* to commit the said murder.

At end add :

In witness whereof as well I, the said coroner, as the jurors have hereunto subscribed their hands and seals the day and year first above written.

Another example is :

That the said *C.D.* did on the day of fall into a pond of water situate at , by means whereof he died.

Here set out the conclusion of the jury as to the death, as, for example :

And so do further say that the said *C.D.*, not being of sound mind, did kill himself.

Or, do further say that the said *C.D.* did feloniously kill himself.

Or, do further say that the said *C.D.* by misadventure fell into the said pond and was killed.

Here set out the particulars required by the Registration Acts :

And the jurors aforesaid do further say that the said *C.D.* at the time of his death was a male person of the age of years and a

6.

FORM OF RECOGNIZANCE OF JURORS UPON AN ADJOURNMENT.

You acknowledge yourselves severally to owe to our Sovereign Lord the King the sum of ten pounds, to be levied upon your goods and chattels, lands and tenements, for His Majesty's use, upon condition that if you, and each of you, [upon receiving notice,] do personally appear again here [*or at the place to which the inquest is adjourned*] on next, being the day of instant, at of the clock in the noon precisely, then and there to make further inquiry on behalf of our said Sovereign Lord the King, touching the death of the said *C.D.* [of whose body you have had the view;] then this recognizance to be void, or else to remain in full force and virtue. Are you content to be so bound?

7.

FORM OF RECOGNIZANCE.—WITNESSES.

TO WIT. {Be it remembered that on the day of , 19 , each of the following persons, namely, *J.K.* of and *R.S.* of [*insert the names of all bound over*] personally came before me, *J.S.*, one of the coroners of our Lord the King for the county [*or as the case may be*] of and acknowledged to owe to our Sovereign Lord the King the sum of pounds to be levied on his goods and lands by way of recognizance to His Majesty's use if default is made on his part [*or*, on the part of *J.K.*] in the conditions following.

CONDITION TO APPEAR AND GIVE EVIDENCE BEFORE THE CORONER.

He shall appear personally [conditionally on receiving notice beforehand] at the Court of the said coroner to be held on the day of next, at in the said county [*or as the case may be*], for holding an inquest touching the death of *C.D.*, there to give evidence of anything he knows touching the death of *C.D.*, and shall not depart the said Court without leave.

Then, if the above conditions are fulfilled, this recognizance shall be void, but otherwise shall remain in full force and virtue.

8.

NOTICE TO BE GIVEN TO A JURYMAN BOUND OVER TO ATTEND AN ADJOURNED INQUEST, WHEN THE DATE FIXED FOR THE ADJOURNED INQUEST HAS BEEN ALTERED.

TO WIT. { Whereas you *L.M.* of were on the day of , 19 , bound over in the sum of ten pounds to appear [conditionally on notice being sent to you] at on at of the clock in the noon precisely then and there to make further inquiry on behalf of our Sovereign Lord the King touching the death of the said *C.D.*

This is to give you notice that *you* are *not* required to attend then but that you are required [conditionally on further notice being sent to you] to attend at on at of the clock precisely.

DATED this day of , 19 .

J.S.
Coroner for

9.

NOTICE TO BE GIVEN TO A JURYMAN BOUND OVER TO ATTEND AN INQUEST ADJOURNED UNTIL AFTER THE CONCLUSION OF CRIMINAL PROCEEDINGS WHEN THE CORONER DECIDES NOT TO RESUME THE INQUEST.

TO WIT. { Whereas you *L.M.* of were on the day of , 19 ; bound over in the sum of ten pounds to appear [conditionally on notice being sent to you] at on at of the clock in the noon precisely then and there to make further inquiry on behalf of our Sovereign Lord the King touching the death of the said *C.D.*

This is to give you notice that the inquest will not be resumed and that no attendance will therefore be required of you.

DATED this day of ; 19 .

J.S.
Coroner for

10.

NOTICE TO BE GIVEN TO A JURYMAN BOUND OVER TO ATTEND AN INQUEST ADJOURNED UNTIL AFTER THE CONCLUSION OF CRIMINAL PROCEEDINGS WHEN THE CORONER DECIDES TO RESUME THE INQUEST.

TO WIT. { Whereas you *L.M.* of were on the day of , 19 , bound over in the sum of ten pounds to appear [conditionally on notice being sent to you] at on at of the clock in the noon precisely then and there to make further inquiry on behalf of our Sovereign Lord the King touching the death of the said *C.D.*

This is to give you notice that *you are required to attend* at on at of the clock precisely.

DATED this day of , 19 .

J.S.
Coroner for

II.

NOTICE TO BE GIVEN TO A WITNESS BOUND OVER TO ATTEND AN ADJOURNED INQUEST WHEN THE DATE FIXED FOR THE ADJOURNED INQUEST HAS BEEN ALTERED.

TO WIT. { Whereas you *J.K.* of were on the day of 19 , bound over in the sum of ten pounds to appear [conditionally on notice being sent to you] at on at of the clock in the noon precisely then and there to give evidence touching the death of the said *C.D.*

This is to give you notice that *you* are *not* required to attend then but that you are required [conditionally on further notice being sent to you] to attend at on at of the clock precisely.

DATED this day of , 19 .

J.S.
Coroner for

12.

NOTICE TO BE GIVEN TO A WITNESS BOUND OVER TO ATTEND AN INQUEST ADJOURNED UNTIL AFTER THE CONCLUSION OF CRIMINAL PROCEEDINGS WHEN THE CORONER DECIDES NOT TO RESUME THE INQUEST.

TO WIT. { Whereas you *J.K.* of were on the day of , 19 , bound over in the sum of ten pounds to appear [conditionally on notice being sent to you] at on at of the clock in the noon precisely then and there to give evidence touching the death of the said *C.D.*

This is to give you notice that the inquest will not be resumed, and that no attendance will therefore be required of you.

DATED this day of , 19 .

J.S.
Coroner for

13.

NOTICE TO BE GIVEN TO A WITNESS BOUND OVER TO ATTEND AN INQUEST ADJOURNED UNTIL AFTER THE CONCLUSION OF CRIMINAL PROCEEDINGS WHEN THE CORONER DECIDES TO RESUME THE INQUEST.

TO WIT. { Whereas you *J.K.* of were on the day of , 19 , bound over in the sum of ten pounds to appear [conditionally on notice being sent to you] at on at of the clock in the noon precisely then and there to give evidence touching the death of the said *C.D.*

This is to give you notice that *you are required to attend at* on at of the clock precisely.

DATED this day of , 19 .

J.S.
Coroner for

14.

NOTICE TO A WITNESS BOUND OVER TO ATTEND AN INQUEST ADJOURNED OTHERWISE THAN UNTIL AFTER THE CONCLUSION OF CRIMINAL PROCEEDINGS WHEN THE CORONER DECIDES THAT HIS ATTENDANCE WILL NOT BE REQUIRED.

TO WIT. { Whereas you *J.K.* of were on the day of , 19 , bound over in the sum of ten pounds to appear [conditionally on notice being sent to you] at on at of the clock in the noon precisely then and there to give evidence touching the death of the said *C.D.*

This is to give you notice that no attendance will be required of you.

DATED this day of , 19 .

J.S.
Coroner for

15.

CORONER'S ORDER FOR BURIAL.

I, the undersigned, Coroner for the of , do hereby authorise the burial of the body of , late of , whose death was reported to me on , and whose body has been viewed by me *[and by the inquest jury].

WITNESS my hand this day of , 19 .

, Coroner.

(*The detachable portion of this Form is to be completed in the manner prescribed under the Births and Deaths Registration Act,* 1926.)

Strike out if inapplicable.

OTHER FORMS IN GENERAL USE.

CORONER'S OFFICER'S REPORT CONCERNING DEATH.

COUNTY [OR BOROUGH] OF .

Full name, age, occupation, and address of deceased.	
If married woman, widow, spinster, or child, state husband's or father's full name, address, and occupation. If an illegitimate child, mother's full name, occupation, and address.	
State *where* and *when* (day and hour) deceased died, or was found dead or dying.	
Full name and address of legally qualified medical practitioner who has seen deceased either before or after death.	
If before death, state duration of attendance and date of last attendance, and whether medical certificate of the cause of death is withheld or refused.	
If illness or injury existed before death, state its nature and its duration.	
If negligence or blame imputed,—say of whom; and *by* whom alleged.	
If life insured, state Office or Society, date of policy, and amount.	
State the supposed cause of death, the circumstances in which death occurred, with further particulars.	
(The Constable should state whether death was sudden or violent, as by poisoning, wounds, drowning, burns, accident, suicide, neglect, ill-usage, and give particulars.)	
If poisoning is known or suspected, the remaining portion of the suspected matter or liquid should be put under seal by the Constable. (In difficult or doubtful cases the Constable should attend at the Coroner's Office for instruction:	

Where and in what parish the body is lying ?	
State place most convenient for holding inquest.	
Name and address of Registrar, and district for registration of the death.	
Full name and addresses of nearest relative and witnesses other than medical.	
Name and address of undertaker, and proposed date of burial.	
Do the relatives propose to have the body cremated ?	
Is it proposed to remove the body out of England ?	
Date and time when notice of death received.	Time and date when posted or delivered.
Name and address of Coroner's Officer or Constable sending this report.	

DATED this day of , 19

WARRANT FOR INQUEST WITH JURY.

TO THE CONSTABLES OF THE PARISH OR TOWNSHIP OF IN THE OF .

TO WIT. { BY Virtue of my office, These are in His Majesty's Name to charge and command you that on Sight hereof you summon and warn good and lawful Men of the said County personally to be and appear before me on day, the day of 19 , at of the Clock in the noon, at the House called or known by the name of the situate in the said Parish or Township in the said County, then and there to do and execute all such things as shall be given them in Charge on behalf of our Sovereign Lord the King's Majesty touching the death of .

AND for your so doing this is your warrant.

AND that you also summon and warn to be and appear at the said Inquest, at the said Time and Place, all witnesses who you may be credibly informed can give material evidence touching the said death; AND also that you attend at the Time and Place above mentioned, to make return of the Names of the Persons whom you shall so summon; AND further to do and execute such other matters as shall be then and there enjoined you; AND have you then and there this Warrant.

GIVEN under my hand and seal this day of in the year of our Lord One Thousand Nine Hundred and

(L.S.)

Coroner for

Sent to Mr.

Constable.

WARRANT FOR INQUEST WITHOUT A JURY.

TO THE CONSTABLES OF THE PARISH OR TOWNSHIP OF IN THE OF .

TO WIT { BY Virtue of my office, These are in His Majesty's Name to charge and command you that on Sight hereof you personally be and appear before me on day, the day of 19 , at of the Clock in the noon, at the House called or known by the name of the situate in the said Parish or Township in the said County, then and there do and execute all such things as shall be given you in Charge on behalf of our Sovereign Lord the King's Majesty touching the death of .

AND for your so doing this is your warrant.

AND that you also summon and warn to be and appear at the said Inquest, at the said Time and Place, all witnesses who you may be credibly informed can give material evidence touching the said death; AND also that you at the Time and Place above mentioned, make return of the Names of the Persons whom you shall so summon; AND further to do and execute such other matters as shall be then and there enjoined you; AND have you then and there this Warrant.

GIVEN under my hand and seal this day of in the year of our Lord One Thousand Nine Hundred and .

(L.S.)

Coroner for .

Sent to Mr. .

Constable.

WARRANT FOR JURY WHERE INQUEST HAS BEEN BEGUN WITHOUT A JURY.

TO THE CONSTABLES OF THE PARISH OR TOWNSHIP OF IN THE COUNTY [OR BOROUGH] OF .

TO WIT. {Whereas on the day of , 19 , I issued to you my warrant for an inquest without a jury touching the death of . And whereas I require that a jury shall now be summoned, *By virtue* of my Office these are in His Majesty's Name to charge and command you that on sight hereof you summon and warn good and lawful men [and / or women] of the said County [or Borough] personally to be and appear before me on day the day of , 19 , at o'clock in the noon at the house called or known by the name of , situate in the said parish of in the said County [or Borough] then and there to do and execute all such things as shall then be given them in charge on behalf of Our Sovereign Lord the King touching the death of the said , and for so doing this is your warrant.

GIVEN under my hand and seal this day of , 19 .

(L.S.)

Coroner for .

Sent to Mr. .

JUROR'S SUMMONS.

TO WIT. {To . By Virtue of a Warrant under the Hand and Seal of , one of His Majesty's Coroners for , you are hereby summoned and warned personally to be and appear before him as a Juryman, on day, the day of , 19 , at o'clock precisely in the noon at the Coroner's Court held at then and there to enquire on His Majesty's behalf touching the death of and further to do and execute such other matters and things as shall be then and there given you in charge, and not to depart without leave.

Herein fail not at your peril.

DATED this day , 19 .

N.B.—Bring this summons with you.

Coroner's Officer or Constable.

By 50 and 51 Vict., cap. 71, sec. 19, Jurymen not attending pursuant to summons are liable to a penalty of £5.

WITNESS SUMMONS FOR INQUEST.

TO WIT. {To . By Virtue of a Warrant under the Hand and Seal of , one of His Majesty's Coroners for the said County [or Borough] of , you are hereby summoned personally to be and appear before him on the day of , 19 , at o'clock in the noon precisely at the Coroner's Court situate in in the Parish of in the said County; then and there to give Evidence and be examined on His Majesty's behalf, touching the death of , and not to depart without leave. Herein fail not at your peril. Dated this day of , 19 .

Coroner's Officer.

N.B.—Bring this summons with you.

All Fees and Expenses are required by the Act of 50 *and* 51 *Vict., cap.* 71, *sec.* 26, *to be advanced and paid by the Coroner immediately after the termination of the Inquest to such Witnesses as the Coroner may think fit to allow.*

SUMMONS FOR MEDICAL WITNESS.

TO WIT. {To of .
WHEREAS I, the undersigned, am credibly informed you can give Evidence on behalf of our Sovereign Lord the King, touching the death of now lying Dead in the Parish of in the of .

YOU are therefore, by Virtue of my Office, in His Majesty's Name hereby charged and commanded personally to be and appear before me, the undersigned, at in the said Parish of at of the Clock in the noon on the day of , 19 , then and there to give Evidence and be examined on His Majesty's behalf, before me and my Inquest, touching the Premises, and to make a post-mortem examination of the body of the said now lying at [with an analysis [or special examination by way of analysis] of the contents of the stomach and / or intestines, and / or other parts or contents of the body] and report thereon at the said Inquest. Herein fail not.

GIVEN under my Hand and Seal this day of in the Year of our Lord One Thousand Nine Hundred and .

(L.S.)

Coroner for the County aforesaid.

REPORT OF MEDICAL WITNESS UPON MAKING A POST-MORTEM EXAMINATION.

PURSUANT TO THE ORDER OF , HIS MAJESTY'S CORONER FOR THE COUNTY [OR BOROUGH] OF .

I, the undersigned of , a duly qualified registered medical practitioner, saw the above-named deceased on . Not being able to certify the cause of death of the above-named deceased, by order of the Coroner, I made a post-mortem examination of the body of the said deceased at Mortuary, on day, the day of , 192 , at o'clock.

I found :—

Head
Brain
Chest
Lungs
Heart
Liver
Spleen
Kidneys
Stomach
Intestines, etc.
Infectious or Contagious Disease

The external injuries were as follows :—

The internal injuries were as follows :—

In my opinion the cause of death was :—

Immediate Cause : .

Morbid conditions (if any) giving rise to immediate cause (stated in order proceeding backwards from immediate cause) : .

Other morbid conditions (if important) : .

DATED this day of , 19 .

(Signature)

NOTE.—The Cause of Death should be stated in accordance with the "Suggestions to Medical Practitioners," dated October 1926, issued from the office of the General Registrar of Deaths, and the Births and Deaths Act, 1926, and Statutory Rules made thereunder.

ORDER FOR REMOVAL OF BODY.

To Mr. , Undertaker.
Address .

TO WIT. { By Virtue of a Warrant under the Hand and Seal of , one of His Majesty's Coroners for the of , for the holding of an Inquest concerning the death of , aged , you are hereby authorized to remove the said body, now lying dead at , to the Public Mortuary situate at in the Parish of in the said County, and to deliver the said body into the safe care and custody of the Keeper of the said Mortuary, there to await post-mortem examination (if ordered by Coroner), and Inquest.

Signed
Date, 19 . Coroner's Officer.

RECEIVED the sum of Shillings, as allowed by the County Council, for removal of the above-mentioned body.

Signature
Date, 19 . Undertaker.

NOTICE TO MEDICAL PRACTITIONER THAT INQUEST WILL NOT BE HELD.

Date,

To

Re deceased.

I have considered your report herein dated the day of , 19 [and setting forth the result of the post-mortem examination made by you]. I do not propose holding an inquest and you are at liberty to issue a certificate of death.

Your Obedient Servant,

H. M. Coroner for

NOTICE TO CORONER'S OFFICER THAT INQUEST WILL NOT BE HELD.

Sir,

Re deceased, of ,

I have considered your report herein received the day of , 19 . I do not propose to hold an Inquest. Please inform the relatives.

H.M. Coroner for .

To .

WARRANT TO ARREST FOR MURDER, MANSLAUGHTER, INFANTICIDE, OR ACCESSORY.

TO THE CONSTABLES OF THE PARISH OF IN THE AND TO ALL OTHER HIS MAJESTY'S OFFICERS OF THE PEACE WITHIN THE SAID .

TO WIT. { WHEREAS by an Inquisition taken before me, [one of] His Majesty's Coroners for the said [County or Borough] the day of , 19 , at the Parish of in the said on view of the body of then and there lying dead stands charged with the of the said .

YOU are therefore hereby authorized and commanded by me, and by virtue of my office, in His Majesty's Name, without delay, to apprehend and bring before me, the undersigned, or one of His Majesty's Justices of the Peace in and for the said the body of the said that he may be dealt with according to Law.

GIVEN under my Hand and Seal this day of in the year of our Lord One thousand nine hundred and .

L.S.

Coroner for the aforesaid.

WARRANT OF COMMITMENT FOR MURDER, MANSLAUGHTER, INFANTICIDE, OR ACCESSORY.

To each and all of the Constables, and other His Majesty's Officers of the peace for the of and also to the Governor of His Majesty's Prison at .

TO WIT. { Whereas by an Inquisition taken before me, the undersigned, one of His Majesty's Coroners for the said of the day and year hereunder mentioned, on view of the body of lying dead at the Parish of in the said *A.B.* stands charged with (*a*) of the said .

(*a*) The wilful murder, or the manslaughter, or being an accessory before the fact to the murder.

These are therefore, by virtue of my Office, and in His Majesty's Name to charge and command you forthwith to apprehend and convey the body of the said to His Majesty's Prison at and safely deliver h to the Governor of the said Prison: And you the said Governor of the said Prison, by virtue of my said Office, in His Majesty's Name are hereby required to receive the body of the said into your custody, and h safely to keep in the said Prison until he shall be thence discharged by due course of Law.

Given under my Hand and Seal this day of , One thousand nine hundred and .

(L.S.)

Coroner for the aforesaid.

NOTICE OF RECOGNIZANCE TO BE GIVEN TO THE ACCUSED AND HIS SURETIES WHEN BAIL ALLOWED.

TO WIT. { TAKE NOTICE, that you *A.B.* of are bound in the sum of Pounds, and your Sureties *C.D.* and *E.F.* in the Sum of Pounds each, that you the said *A.B.* appear at the next Court of (*a*) (*b*) to be holden at in and for the of on the day of , 19 , and there surrender yourself into the custody of a Keeper of a Gaol in which prisoners committed for trial at those sessions are detained, and plead to the inquisition taken before the Coroner on view of the body of , whereby a verdict of has been found against you, and shall take your trial upon that inquisition, and shall not depart the Court without leave; and unless you, the said *A.B.* personally appear and plead, and take your trial accordingly, the Recognizances entered into by you and your Sureties shall be forthwith levied on you and them.

DATED this day of in the year of our Lord 19 .

(Signed) ,
Coroner.

Insert (*a*) "Oyer and terminer and general gaol delivery," or (*b*) "Jurisdiction of the Central Criminal Court."

WARRANT TO EXHUME.

VENUE } To the Minister, churchwardens, and overseers of
TO WIT. } in the County of and to all other persons having power or control over the Churchyard [*or* Cemetery] at aforesaid.

WHEREAS I am credibly informed and believe that the body of has been buried recently in your Churchyard [*or* Cemetery] at aforesaid. And whereas I have cause to hold an inquest on the said body. These presents are therefore to command you in His Majesty's Name forthwith to take up the body of the said that I may hold such inquest as aforesaid.

GIVEN under my Hand and Seal this day of , 19 .

(L.S.)

Coroner for

CERTIFICATE TO FINE JUROR.

TO THE CLERK OF THE PEACE FOR THE OF .

TO WIT. { I, , one of the Coroners of our Sovereign Lord the King for the County [or Borough] of do hereby certify that by virtue of my office of Coroner, and of the statutes in that behalf, I have imposed a fine of £ upon of for that he being duly summoned personally to be and appear as a Juryman before me, at an Inquest held by me on day, the day of , 19 , at of the Clock in the noon precisely, at in the Parish of in the said of to inquire on His Majesty's behalf touching the death of and further do and execute such matters and things as should then and there be given him in charge, and not to depart without leave did not after being openly called three times appear to such summons *or* [and appearing refused without reasonable excuse to serve as a Juryman] *or* [and appearing refused to be sworn] *or* [other cause of contempt].

AND I have made out, signed, and transmitted this my Certificate so that the said fine may be estreated, levied, and applied according to Law.

GIVEN under my Hand and Seal this day of 19 .

(L.S.)

Coroner for .

NOTICE BY CORONER UNDER LONDON TRAFFIC ACT.

LONDON TRAFFIC ACT, 1924.

Section 12 (2) *Notice of and Inquiries into Accidents.*

NOTICE by H.M. Coroner for of Inquest or Adjourned Inquest into the cause of death of a person resulting from an accident, where it is alleged that the accident was due to the nature or character of any road or road surface or to a defect in the design or construction of any vehicle or in the materials used in the construction of any road or vehicle.

To be forwarded to the Secretary, Ministry of Transport, 7, Whitehall Gardens, S.W. 1. The envelope should be endorsed on the top left-hand corner "URGENT—From H.M. Coroner." When necessary, preliminary intimation should be given by Telephone. (Telephone No. Victoria 8660.)

An Inquest [Adjourned Inquest] will be held by H.M. Coroner at at on , 19 , as to the cause of the death of stated to be due to an accident which occurred on , 19 , at in [Street].

Signature of Coroner or Coroner's Officer and address, with date and telephone number.

I. Cause of accident **alleged*, or **likely to be alleged*.

(*a*) †The nature or character of the road or road surface.
(The collision or other accident may be entered as alleged, &c., to be due to this cause if it is attributed to a dangerous corner, steep gradient, obstruction of road view, congestion by obstruction, defective state of road repair, &c.)

.....

(*b*) †Defect in the materials used in the construction of the road.
(This heading is appropriate, *e.g.* if skidding is attributed to slipperiness or to condition of tramway track on road, &c.)

.....

(*c*) †Defect in the design or construction of a vehicle.
(This heading is appropriate if the accident is attributed to the driver's view being obstructed owing to design of vehicle, or to lights being inadequate or dazzling, or to brakes or steering gear being badly constructed or designed, &c.)

.....

(*d*) †Defect in the materials used in the construction of a vehicle.
(This heading is appropriate for accidents attributed to flaws in axles, &c., and other similar defects.)

.....

* *Cross out* words inapplicable.

† *Write "YES"* under the heading applicable; *cross out* the three headings inapplicable.

II. Type of vehicle or vehicles involved (*e.g.* electric tramcar, steam lorry, petrol lorry, omnibus, motor cab, private car, motor cycle, horse-drawn wagon or dray, &c.—In the case of mechanically propelled trade vehicles, the particular make should also be stated, where possible.)

.....

III. Identification mark and identification number of vehicle or vehicles involved.

.....

IV. Address of police station from which accident was reported.

.....

PROCLAMATIONS.

(1) *For Opening Court in Jury Case.*

OYEZ, OYEZ, OYEZ. All persons who have anything to do at this Court before the King's Coroner for this County draw near and give your attendance; and ye good men of the Jury who have been summoned here this day to inquire for our Sovereign Lord the King when and where and by what means *A*—— *B*—— came to his death answer your names as ye shall be called. Every man at the first call, upon the pains and penalties that may fall thereon.

(2) *For Opening of Court in non-Jury Case.*

OYEZ, OYEZ, OYEZ. All manner of persons who have anything to do at this Court before the King's Coroner for this County touching the death of *A*—— *B*—— draw near and give your attendance.

(3) *For Adjournment.*

OYEZ, OYEZ, OYEZ. All manner of persons who have anything more to do at this Court before the Coroner for this County touching the death of *A*—— *B*—— may now depart hence and shall attend here again at o'clock in the noon on the day of next precisely. God save the King.

(4) *The Opening of Adjourned Courts.*

OYEZ, OYEZ, OYEZ. All persons having anything to do at this Inquiry before the King's Coroner for this County touching the death of *A*—— *B*—— and was adjourned over to this time and place draw near and give your attendance [add if Jury] and ye good men of the Jury impanelled and sworn to inquire touching the death of the said *A*—— *B*—— answer to your names as and when called, and save your recognizances.

(5) *For Closing Courts in Jury and non-Jury Cases.*

OYEZ, OYEZ, OYEZ. All ye good men of this County sworn on this inquiry having discharged your duty may depart hence. God save the King.

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